

Notable English Trials

Eugene Aram

NOTABLE TRIALS SERIES.

- Madeleine Smith.** Edited by A. Duncan Smith, Advocate.
- * **Dr. Pritchard.** Edited by William Roughead.
- * **The Stauntons.** Edited by J. B. Atlay, Barrister-at-Law.
- * **Franz Muller.** Edited by H. B. Irving.
- * **Lord Lovat.** Edited by David N. Mackay.
- * **Captain Porteous.** Edited by William Roughead.
- * **William Palmer.** Edited by Geo. H. Knott, Barrister-at-Law.
- * **The Annesley Case.** Edited by Andrew Lang.
- * **Mrs. Maybrick.** Edited by H. B. Irving.
- * **Dr. Lamson.** Edited by H. L. Adam.
- * **Mary Blandy.** Edited by William Roughead.
- City of Glasgow Bank Directors.** Edited by William Wallace, Advocate.
- Deacon Brodie.** Edited by William Roughead.
- James Stewart.** Edited by David N. Mackay.
- * **A. J. Monson.** Edited by J. W. More, Advocate.
- Oscar Slater.** Edited by William Roughead.
- * **Eugene Marie Chantrelle.** Edited by A. Duncan Smith, Advocate.
- * **The Douglas Cause.** Edited by A. Francis Steuart, Advocate.
- Mrs. M'Lachlan.** Edited by William Roughead.
- * **Eugene Aram.** By Eric Watson, Barrister-at-Law.
- * **J. A. Dickman.** Edited by S. O. Rowan-Hamilton, Barrister-at-Law.
- * **The Seddons.** Edited by Filson Young.



EUGENE ARAM

convicted at York Assizes Aug. 3. 1759. for the Murder of Dan. Clark of Knaresborough in the County of York. His body was hung in Chains pursuant to his sentence in Knaresborough forest. He was Executed fourteen Years after the Murder. His own Defence is very artful and ingenious. but yet before he suffered he confessed the fact.

Published by Alex. Begg

(From a rare engraving in the possession of the author.)

Eugene Aram

His Life and Trial

By

Eric R. Watson, LL.B.

Of the Inner Temple, Barrister-at-Law

Author of "The Principles of Indian Criminal Law," etc.



EDINBURGH AND LONDON
WILLIAM HODGE & COMPANY

343

W. 338. F

PRINTED BY
WILLIAM HODGE AND COMPANY
GLASGOW AND EDINBURGH
1913

PREFACE.

THE purpose of this addition to the bulky mass of *Aramiana* may be briefly put. The main interest in Aram has ever centred around the facts of his crime and trial. His scholarship has lent an added fascination to the story of the murder; but it is the killing of Daniel Clark which keeps his memory green. The story of that murder has never yet been truly or fully told. Interest procured the suppression of some facts; others have unaccountably been overlooked. Fable and romance have usurped the place of historical narrative. No connected account of the man or his crime anywhere exists. To the meagre reports of the trial, dating from 1759, must be added the two anecdotal and desultory works of Scatterd, a vast number of magazine articles from 1759 up to the present, and many long-forgotten publications, among which I mention here only the rare York Pamphlet, anonymously published in the year of the trial, and some phrenological tracts of the early nineteenth century. A careful collation of all the works to be found in the bibliography, together with a detailed examination of the manuscript records in the Record Office and of the contemporary newspapers, has enabled me to weave a connected story—with certain *lacunæ* due to the subject's own reticence—of Aram's life and crime, and in so doing to dispel the many errors, repeated by writer after writer—to show that, so far from being convicted on the sole testimony of Richard Houseman, Aram was, in fact, convicted upon "many concurrent proofs and a number of the strongest circumstances"—and that he was in no way taken by surprise by Houseman's or any other evidence, being justly convicted to the full satisfaction of his contemporaries. To establish the legal proof of his guilt, never doubted by any one of consequence till Bulwer and Hood spun their webs of romance round the schoolmaster, has been one of my objects; another has been to make clear the law and procedure under which he was tried, and refute much ignorant criticism, aimed at showing that the trial was unfair.

PREFACE.

That a man, who in the opinion of many is little to be distinguished from other heroes of the Newgate Calendar, should have succeeded in attracting to himself for nigh on two centuries so much of the sympathy of educated and uneducated alike, is far more remarkable than anything in the circumstances of his life or crime. Between his apologists, who choose only to recognise the scholar—while reluctantly admitting that perhaps “homicide is not to be allowed even to the most amiable genius”—and his detractors, who see only the common assassin, opinion has become so confused that the story of Aram seems to belong to legend rather than to history. The fascination of his career is partly that of every cold-blooded homicide, which attracted the supersensitive de Quincey to the truculent butcheries of Williams, Pœ to the barbarous murder of Mary Cecilia Rogers, and continues, whenever a peculiarly callous and revolting crime of this sort is brought to light, to focus the attention of all classes and of all grades of intellect. This fascination, often denounced as morbid by those canting persons, who affect not to read such things, is the normal man’s tribute of admiration—in the Miltonian sense—at what so entirely transcends his own experience. A degree of respect is felt for a being who can calmly go on eating his dinner after doing a deed, to read of which sends ordinary men into shivers; the interest is also akin to that felt for a pathological specimen of the race—a great murderer is, like Tom Thumb, or the Irish giant, or Daniel Lambert, or the Siamese twins, something at which the morally normal man looks as at a monster. The very use of the word “monster” to denote a man of the utmost depravity is proof of it.

“Real culprits,” says Burke, “as original characters, stand forward on the canvas of humanity as prominent objects of our special study.”

In Aram’s case the interest is peculiarly intense, because, while other men of learning and letters have been condemned for murder, hardly a parallel can be found of a man so studious, so correct, so patient, so free, at least in the received accounts and accepted traditions, from the vagaries associated with the criminal life, ending his career at the hands of the executioner. Thomas Griffith Wainwright was indeed a murderer, but his writings, like those of Lacenaire, were those of a mere

PREFACE.

dilettante; they are enough in themselves to awaken suspicion of his morals; they are disfigured by a levity and egoism from which a base nature cannot but be inferred. Savage was condemned for a murder, yet it hardly surprises us; he was desultory in his habits of composition, careless, ungrateful, and to the highest degree erratic in his conduct of life. The homicide he committed was barely murder—it lacked design, and arose upon a quarrel. Moreover, neither of these was executed, and Aram's gibbet has done more to keep his memory alive than his achievements in philology or letters. Villon and Verlaine lived criminal lives—one committed homicide and the other attempted it; both proved that great poetic genius may consort with the vilest tendencies; but their lives are homogeneous. We expect crime from those of such irregular habit, nor are the gravest moral aberrations surprising in a vagabond bard. Of Aram, as a poet, it would be unfair, perhaps, to say, in the phrase of Gautier, "*Vrai meurtrier et faux poète*," but his versification is as little remarkable as his crime is the contrary. Moreover, his great staidness is all at variance with the cases of the other homicidal poets—Savage, for example.

That a philologist should commit premeditated murder and expiate it on the gallows was long unique until the nineteenth century produced a parallel to Eugene, recalled to mind in the recent reminiscences of Professor Goldwin Smith, in the person of one Ruloff, some account of whose case will be found in a subsequent part of this book.

Was Aram really a scholar? This question has often been asked, and very justifiable doubts have been thrown on the extent of his reading. Murderers are habitually liars, and are, like other criminals, in the highest degree vain and egoistic. Whether Aram had or had not made himself master of all those subjects of study, which he enumerates in his fragment of autobiography, I see no reason to differ from Dr. Garnett's estimate of his attainments, or to question that learning was one of the dominant passions of his life. The case of Ruloff shows how compatible the cultivation of philology may be with murder as a fine art. I think, on the other hand, that, especially in the matter of the famous defence, much uncritical appreciation has greatly exaggerated the erudition and profundity of Aram's literary performances. The *Gentleman's Magazine*, and one or two books lent to him in prison, constitute Aram's authorities

PREFACE.

for his address ; and in two instances, at least, his statements are entirely inaccurate.

"If we set aside his achievements in poison," wrote Oscar Wilde of Wainwright, "what he has actually left us hardly justifies his reputation. . . . W. C. Hazlitt was of opinion that his love of Art and Nature was a mere pretence and assumption, and would have denied to him all literary power. This seems to me a shallow, or at least a mistaken, view. The fact of a man being a poisoner is nothing against his prose."

These remarks, which seem to me true of the murderer of Helen Abercrombie, may equally be applied to Eugene. That he committed murder is a fact impertinent to the question of his eminence as a scholar. It should neither factitiously enhance nor be suffered to extinguish what little he certainly strove to do towards the advancement of philology. After all, however, it is his crime, and not his learning, which has really focussed interest upon him, and it is to explode the false current notions, so widely disseminated about that, which has been the main object of this book, justified, I hope, by the fresh evidence adduced from the records. "No historical decision," says Motley, "is final ; an appeal to a more remote posterity, founded upon more accurate evidence, is always valid ; but when the verdict has been pronounced upon facts which are undisputed, and upon testimony from the criminal's lips, there is little chance of the reversal of the sentence."

That testimony exists in Aram's case, and a considered judgment can hardly differ from the conclusion reached at the time, so much at variance with more recent opinion. Yet so hardly do men cling to the romantic rather than the real that, just as the Cenci legend sprang up, in spite of Prospero Farinacci's avowal at the time, that there was no ground for his appeal to Clement VIII.'s mercy on behalf of Beatrice, and has survived Bertolotti's complete exposé of her abandoned character, so futurity will continue to cherish the memory of an Aram, solicitous even for the worm upon the footpath and foully done to death on the sole evidence of a perjured rascal by a bloodthirsty Jeffreys of a judge. "To whitewash the scoundrel," says Mr. Charles Whibley, "is to put upon him the heaviest dishonour." Let us do Aram no such disservice—

PREFACE.

let him appear as what he was—as the man his contemporaries knew—in murder a finished artist, in philology a true pioneer, genuine scholar, and genuine rascal! In this endeavour to place before the world the real facts, hitherto denied it, I have been much assisted by the valuable suggestions of several correspondents, and I must expressly thank Messrs. Horace Bleackley, J. W. Scott, J. W. Woolstencroft, and Alfred Ela, of Mass., U.S.A., for indicating some of the less obvious sources of information. I regret that, death having overtaken the Rev. W. C. Boulter, whose name is familiar to all readers of “Notes and Queries,” I cannot take this opportunity to convey to him my thanks for placing his extensive bibliographical knowledge at my disposal. To Mr. E. M. Beloe, of King’s Lynn, my especial thanks are due for the loan, not only of a curious collection of *Aramiana*, but for that of the collection formed by the late Rev. F. W. Joy, including the autograph letter of Aram, here reproduced. Lastly, I desire to acknowledge the courtesy of Mr. Scargill-Bird, Deputy Keeper of the Rolls, in permitting me to photograph the records, and of Professor Keith, M.D., LL.D., in permitting me to photograph the cranium of the murderer, in the R.C.S. Museum, and for his valuable report on what remains of the victim.

ERIC R. WATSON.

KEY TO ABBREVIATIONS IN THE FOOTNOTES.

"Y. P." = "York Pamphlet"—Anon. 1759.

"Mem." = "The Memoirs of Eugene Aram, by N. Scatcherd, 2nd ed.
1838.

"Gls." = "Gleanings after Eugene Aram," by N. Scatcherd, 1836.

[For particulars of these and of other works referred to in the Notes,
see the Biography in the last Appendix.]

CONTENTS.

	PAGE
Chronology of the story of Aram,	xv
CHAPTER I.	
Introductory and bibliographical,	1
CHAPTER II.	
Parentage and early life of Aram—his marriage and removal to Knaresborough—his acquaintances there—the plot—disappear- ance of Clark—Aram absconds,	7
CHAPTER III.	
Aram's life in London—his strange courtship and its abrupt end —various employments as tutor—an alleged visit to France—he copies Acts of Parliament—Usher at Lynn,	23
CHAPTER IV.	
Aram's life at Lynn—Lynn society in 1758—the Grammar School— a classical curriculum—Aram's scholars and acquaintances there—the alleged attempt to rob the Master—an unfounded charge—Aram and the sex—a mysterious female—his solitari- ness and oddities—his recognition and arrest,	30
CHAPTER V.	
The finding of a body on Thistle hill—John Theakston holds an Inquest—verdict thereat—a second Inquest on the same corpse on the same day—verdict—William Thornton takes informa- tions and arrests Houseman—the duties and functions of an xviii. century Justice—inquisitorial methods—Houseman's two examinations—the remains discovered in Saint Robert's Cave— the final Inquest and verdict,	45
CHAPTER VI.	
Arrival of Aram at Knaresborough—his personal appearance— meeting with his wife and family—Sally Aram—an untrustworthy anecdote—Eugene is taken to Thorneville and examined by Thornton—his disingenuousness and agitation—	

CONTENTS.

	PAGE
taken back and re-examined—arrest of Terry—his self-possession—his committal to York Castle—and examination—Aram's piteous letter to Collins—reports in the Press,	56
CHAPTER VII.	
Letters from prison—Aram exploited by the booksellers—Houseman becomes an evidence for the King—the dilemma of the Crown—Aram selected as the victim—reasons for this choice—practice as to wives' evidence in criminal cases—Aram composes his "Defence"—the assizes commence—the judges and counsel—a true bill found against all three—the witnesses for the prosecution—the prisoners put themselves upon their country, . . .	68
CHAPTER VIII.	
The cause list for Friday, 3rd August, 1759—a good day's work—character of William Noel and of Fletcher Norton—the prisoners presented to their jury—good and lawful men—George Mason tried—trial of Houseman—practice as to King's evidences—some absurd errors—he is acquitted—Eugene Aram is put to the bar—his indictment—quaint formalities—opening of the Crown case—the evidence—Houseman in the box—did Aram cross-examine?—other witnesses—Aram called on for his defence,	74
CHAPTER IX.	
Eugene Aram's defence—did he compose it?	90
CHAPTER X.	
The effect of Aram's address—its singularity—a critical estimate of it—favourably noticed by writers on medical jurisprudence—probable impression produced on Noel—James Allan Park, J. on Thurtell's defence—Noel's summing up—the verdict—Aram to be hanged and dissected—the sentence altered—evidence from the records—the practice of the times—Terry's acquittal—true story of the murder unknown—remains subsequently found in the cave—did Aram murder others?—Ruloff—close of assizes,	100
CHAPTER XI.	
Aram's last hours—his letters and fragment of autobiography—much of the latter suppressed—the influence of Iles—Aram's impenitence and hardness—reception of his wife—desires the sacrament of Collins—his "confession"—attempts suicide—his execution and gibbeting—fate of his skull and remains—vicissitudes of his family—Houseman's hostile reception—his miserable existence and death—traditions of Clark and of Iles—extinction of their families,	116

CONTENTS.

CHAPTER XII.

Aram's literary remains—the papers found in his cell—his want of religion—his “swan song”—other poems—prose pieces—estimate of his place as a scholar—mystery of his story and character—compared with others—had he a fair trial?—unique nature of it—his impenitence—a characteristic of murderers—Fitzjames Stephen and Lord Campbell on the subject—contemporaries v. posterity—conclusion,	130
---	-----

APPENDICES.

APPENDIX I.

Transcripts of MSS. in the Record Office,	149
---	-----

APPENDIX II.

Extracts from the Press, 1744-1759,	169
---	-----

APPENDIX III.

Phrenological observations on the skull of Eugene Aram with an account of its history since 1759—report of Professor Keith upon the skull of Clark,	175
---	-----

APPENDIX IV.

Aram's autobiographical letter,	181
---	-----

APPENDIX V.

Prose remains and poems of Eugene Aram,	185
---	-----

APPENDIX VI.

The Bibliography of Eugene Aram,	207
--	-----

ADDENDUM.

The Case of <i>R. v. Goldsborough</i> ,	220
---	-----

CORRIGENDUM.

Eugene Aram's lantern,	221
----------------------------------	-----

LIST OF ILLUSTRATIONS.

Eugene Aram, - - - - -	<i>Frontispiece</i>
St. Robert's Cave, - - - - -	<i>facing page 21</i>
Plan of Knox's House, - - - - -	,, 38
Inquisition, - - - - -	,, 55
Page of Aram's Second Examination, - - - - -	,, 60
Letter written by Aram, - - - - -	,, 64
Page from the Northern Circuit Minute Book, - - - - -	,, 72
Page from the Northern Circuit Gaol Book, - - - - -	,, 110
Eugene Aram, - - - - -	,, 162
The Cranium of Aram, - - - - -	,, 178
Part of parietal bone of Clark, - - - - -	,, 180
Playbill of "Eugene Aram," - - - - -	,, 206

Chronology of the Story of Eugene Aram.

- 1704 —Eugene Aram born at Ramsgill and baptised at Middlesmoor on 2nd October.
- 1710 —Eugene Aram removes to Skelton, near Newby.
- 1718 —Sir Edward Blackett dies, and Eugene shortly after goes to London as clerk to Mr. Christopher Blackett.
- 1720-1—Eugene Aram returns to Ripon. His father, Peter, moves to Ripley, entering the service of Sir J. Ingleby.
- 1731 —Eugene Aram, some years established as schoolmaster at Gouthwaite Hall and Ramsgill, marries, on 4th May, Anna Spence.
- 1734 —Eugene Aram removes to Knaresborough, as steward to Mr. W. Norton, and soon opens a school.
- 1744-5—Daniel Clark leaves Aram's house with Aram and Houseman and a strange man about 11 p.m. on the night of 7th February, and is last seen by W. Tuton at 3 a.m. next morning.
- 1745 —Eugene Aram in April leaves for London. The exact course of his movements is uncertain for several years.
- 1757 —Eugene Aram leaves London and goes to King's Lynn in December.
- 1758 —Eugene Aram is on 14th February appointed usher at the Lynn Grammar School.
- „ —Thompson discovers remains on Thistle Hill on 1st August, and on the 3rd finds the rest of a skeleton, which is examined on the 4th by two surgeons.
- „ —On 12th August the two inquests are held on this skeleton.
- „ —Houseman arrested on the 14th August, and examined on that day, and again on the 15th.
- „ —On the 17th August the body of Clark is found in St. Robert's Cave by Houseman's direction, and the inquest thereon is held on the 18th August, when Aram and Houseman are pronounced guilty of Clark's murder. Aram arrested at Lynn about 19th.

CHRONOLOGY OF THE STORY OF ARAM.

- 1758 —Eugene Aram examined at Thornville on the 21st August, and lodged in York Castle, where on the 26th August Terry is also confined.
- 1759 —3rd March—Commission Day of York Lent Assizes. On the 10th Sir M. Foster makes an order for the prisoners' continuance in gaol. By 2nd June, if not earlier, it is determined that Houseman shall turn King's evidence.
- „ —Eugene Aram is tried at York before Noel J. on the 3rd of August, found guilty, and hanged on the 6th and gibbeted on the 7th. His trial first published on the 16th.
- 1777 —Eugene Aram's claims as a scholar recognised in Kippis' "Biographica Britannica," and in 1784 in Adelung's German "Lexicon."
- 1829 —"The Dream of Eugene Aram," published in the "Gem."
- 1831 —Bulwer's novel, "Eugene Aram," appears.
- 1832 —Eugene Aram's debut on the stage at the Surrey on 1st February. Mr. Elton as Eugene.
- 1873 —Eugene Aram played by (Sir) Henry Irving at the Lyceum on 19th April.
- 1902 —Eugene Aram's most recent appearance on the stage in England at the Avenue in "After All" on 15th January. Mr. Martin Harvey as Eugene.

EUGENE ARAM.

CHAPTER I.

Introductory and Bibliographical.

EUGENE, Eugene, otherwise Eugenius Aram, was, as all the world knows, executed on the 6th of August, 1759, for a murder committed on the 8th of February, in the year 1744-5.

From that time ever since, through succeeding generations of men, his genius and his fate have engaged in turn the interest and activities of minds, distinguished in almost every department of knowledge. The historian has paused in his narrative of plots and policies to tell the hapless scholar's fate. The poet has moved millions by his matchless realisation of the long agony of apprehension, which throughout fourteen years never forsook this "man of solitude and mystery." The well-remembered actor has recited, with inimitable intensity, the poet's story of the crime, and has been the protagonist in a tragedy written around and called after Eugene Aram. The novelist has made familiar to two hemispheres a character which, but for his romance, might now be scarcely more than the shadow of a name to many. The Queen herself was absorbed by the ghastly tale, and pronounced it "fearfully interesting."¹ The jurist, the professor of forensic medicine, the antiquary, and even the phrenologist have taken up the pen to expatiate upon the case of Aram in the light of their several sciences and professions.

In the magazines and periodicals, from 1759 until the present, a host of Gigadibses has adumbrated "the extraordinary story of Eugene Aram." Yet the true history of the murder of Daniel Clark has never until now been published. Generation after generation of writers has been content to take the facts from those meagre and hasty compilations which appeared within a few days of the trial, and, albeit condemned at the time by the *Gentleman's Magazine*, have ever since supplied a legion of sciolists with arguments to prove that Aram fell a victim to a judicial murder, or was, at least, executed after a very unfair trial upon wholly inadequate evidence. To dispel such notions is one of the objects with which this monograph, based upon original research, has been undertaken.

No wiser maxim than Coke's favourite saying, "Melius est

¹ Escher—"Girlhood of Queen Victoria" (1912), ii., 83.

Eugene Aram.

petere fontes, quam sectari rivulos," can guide the investigator in such a task, and in the forefront of my authorities I place those manuscript records in which are contained the original depositions and the prisoners' own examinations, together with much other matter extracted from the gaol and minute books and miscellaneous papers of the old Northern Circuit. From these records have, for the first time, been transcribed the hitherto suppressed parts of Eugene's examinations, the wholly unknown examination of Henry Terry, the evidence of many witnesses, such as Mary Bransby, Bryan Hardcastle, and Stephen Latham, whose very names have never before figured in the story, and certain entries from the circuit books which establish facts hitherto uncertain—as, for instance, what became of Terry.

Of less historical value than these, but still much more reliable than some latter-day lucubrations, are the notices in the contemporary press, and certain reports of the trial, issued at the time, which bear evidence of being composed by persons in situations of advantage for ascertaining the truth.

Of the journals of that day it is safe to say that not the slightest use has been made to illuminate the story by any previous writer, and the most singular of the contemporary pamphlets, that anonymously published at York in 1759, has been allowed to pass unnoticed, save by Norrison Scatcherd, whose purpose, as an avowed apologist, prevented his dealing fairly with a work exhibiting so strong a contrary bias. In addition to these hitherto unexplored sources of information, I have very carefully collated all published matter relating to the story. The bibliography which concludes this work will show how various indeed are the authorities I have been led to consult for this purpose, and I may add that a perusal of them has only deepened my conviction of the necessity of setting forth the true history of a case long buried beneath the accumulations of baseless legends and obscured by the fantastic inventions of fabulists masquerading as purveyors of incontrovertible fact.

The history of the bibliography may here be briefly sketched. From 1759 until the publication of Hood's poem in 1829 there was a constant stream of reports of the trial. Many magazines printed accounts of it, and a multitude of pamphlets appeared. Of these pamphlets most became early out of print, but one, sold by Bristow in London, it is said, as agent for Ann Ward, of York, established itself as the standard version, and continued to be reprinted, sometimes with, sometimes without, Aram's literary remains, by a succession of Yorkshire publishers, of whom Ann Ward, Charles Etherington, and Ely Hargrove are the most familiar. Some editions differ in containing additional letters of Aram's; but in general each is a mere

Bibliographical.

reprint of its predecessor, archaisms of language and spelling being gradually modified as the eighteenth century merged into the nineteenth.

A notable letter, dated from York Castle on the eve of the Lent Assizes, appears only in the sixth edition, and another, indicating Aram's clear previous knowledge that Houseman was going to turn approver, was omitted from several, to the undoing of many superficial commentators.

Hood's poem and Bulwer's novel appearing within a short period of one another, a remarkable revival of interest was manifested, and Aram enjoyed for a season a factitious fame, exceeding that of 1759 itself. Three so-called critical productions marked this revival. The "Memoir of Eugene Aram," by Norrisson Scatcherd, first appearing in 1832, was followed by his "Gleanings after Eugene Aram" in 1836, and by a second edition of the "Memoir" in 1838, containing valuable appendices. The third work indicated was the edition printed by M. Bell in 1832, and published by him at Richmond, Yorkshire. It was, I believe, reprinted in 1842.

Something must here be said concerning Scatcherd and his singular volumes. Though described in the *Leisure Hour* for February, 1885, as "a very respectable lawyer" (*i.e.*, attorney), he was in fact educated for the bar, and the privately printed "Register of Admissions to Gray's Inn" (Hansard, 1889) shows that Norisson (sic) Scatcherd, eldest son of Watson Scatcherd, of Morley, was admitted a student in 1799. It is uncertain if he was ever called to the bar. In William Smith's "Old Yorkshire" (London, 1881) there is an account of him, with portrait, at pages 67-69, wherein he is stated to have been called in 1806. The law lists for 1805 and 1807 contain the following entry:—

"Scatchard, Esq.—N. circuit."

The name does not thereafter appear, and, having regard to the difference of spelling, there might seem to be some doubt as to the identity of the two; but I cannot trace any other student of a like name, whence may be inferred our worthy's call to the bar at some date in 1804. His works betray an ignorance of legal procedure and an inability to weigh evidence or to appreciate its tendency which almost exclude the possibility of any real membership of the profession. So maladroit an advocate is he that he leaves us with a far worse impression of his hero than we entertained before perusing his pages, and with the quaintest *naïveté* he relates anecdotes exhibiting Aram's character in a sinister or sometimes a contemptible light. Of Bell I will merely say that, on careful examination, he is disappointing. True, he has the merit of annotating (sometimes

Eugene Aram.

superfluously, at others inaccurately) Aram's address and other passages in his letters and remains, but he has disingenuously borrowed from Scatterd and some others under the pretence of conducting original research. His account of the trial, long pronounced the best, is faulty to a degree, and is largely based on an authority he does not acknowledge, the pompously named *Grand Magazine of Magazines* for August, 1759, while for the summing up he impudently cribs a paragraph straight out of Bulwer, without the tribute of quotation marks!

To conclude the history of *Aramiana*, I may say that of articles in works of reference the number is legion; would that their value equalled their voluminousness! But when I state that the abridged D.N.B. causes Aram to be arrested at "Lyme Regis"; that Chambers' "Book of Days" hangs him at Tyburn, London; that the "Encyclopædia Britannica" discovers the bones at Thistle Hill in February, 1759; that Firmin-Didot has him arrested "lorsqu'il professait dans une maison à Lyon" (in the D.N.B. it is "a private school at Linn," which is not much better); that the American Cyclopædia makes Houseman testify that Aram "and a man named *Ferry* were the murderers"—the weaver never alluding to *Terry* at all; that from the D.N.B. downwards nearly all conspire to say that Houseman appeared as the sole witness; that a minority of others alternates between making Anna Aram the chief witness against her husband and representing him as utterly "taken aback" by Houseman's evidence, and the latter as equally so by being questioned in Court about the murder (*cf.* W. Andrews); when, finally, I produce the last of the "cloud of witnesses" in the person of Bulwer's latest biographer, Mr. T. H. S. Escott, with his amazing statement that "the story of Eugene's relations with the Lester family was taken word for word, fact for fact, from the notes of James Burney," then a boy of eight (Aram in the novel is to marry Madeline)—scholars, at least, will unite with me in my plea for a worthier relation of a famous cause, and in admiration at the poetic justice, which has subjected the memory of an exact and patient student to the indignity of literary scarification at the hands of men, for the most part, scholastically unworthy to unloose the latches of his sandals. The nemesis of Aram was not the gibbet "upon Knaresbro' fforest"—it is the shocking outrage of slovenly sciolism, which makes up the bibliography of his life and crime!

As compared with other great criminals of the eighteenth century, Aram will ever remain a figure enveloped in mystery; this is mainly the consequence of his having escaped the honour of figuring in the State trials; partly it results from his own extreme reticence. Every source of information has been

The Romance of Reality.

explored, and, if the results seem meagre, at least much has now come to light as to the real relation of the various parties to the story of the crime. Clark, Houseman, Terry, and Iles have all received attention, no less than the protagonist himself. The use made, for the first time, of the contemporary press, if it adds little that is trustworthy to our knowledge of Aram, well illustrates, on the other hand, the position of journalism at that date. Not a single newspaper report contains anything that the vilest sheet would now accept as sufficient. Several abound in errors, and until the pamphlets made their appearance no witness's name was known except Houseman's. Amazing, too, is the flagrant contempt of Court in the "Letter from Yorkshire," branding Aram, before trial, as a triple murderer!

No attempt has been made in these pages to "idealise the real"—in Calverley's phrase. Here is presented the Aram of history, not the "Eugene Aram, who, though a thief, a liar, and a murderer, yet being intellectual, was among the noblest of mankind"—that ridiculous being who stalks through the pages of Bulwer and Scatcherd. Nor was there need to borrow from fiction, for, as it has well been said, "The story of Eugene Aram is one of those singular events where real life seems more romantic than romance itself. It touches every chord that vibrates in sympathy with scenes of mystery and terror, and calls into play the deep-rooted principle of curiosity, which leads us to the study of great crimes, as aberrations of our moral nature. . . . The murder so long concealed, so unaccountably discovered—the scene at St. Robert's cave, the trial, the defence—made it seem as if the genius of romance had snatched the pen from history for a moment to relieve her details by this frightful episode. Few, we should think, who have read the story but must have realised to their mind's eye the schoolmaster in the Court at York—so subtle, so self-concentred, equal, as he says himself, to either fortune, watching with inward agony but outward calmness the progress of the evidence against him, and then rising to deliver that celebrated defence, which convinces no one by its sophistries, and yet leaves on the mind a mingled feeling of admiration and horror! No portrait of the kind can be more impressive than the real Aram of history. From the surface of common life his original character is projected in bold relief, a compact and consistent whole, his strong intellect playing into the hands of his evil principle, his courage enabling him to realise his plans, his constancy to face their consequences."²

² *Edinburgh Review*, April, 1832.

Eugene Aram.

The great public interest felt in the culprit at the time was not exaggerated by Bulwer. No sooner were the "genuine accounts" upon the market than the town was flooded with column upon column, in which "Mr. Eugene Aram" was exploited both as scholar and as scoundrel.

To these a full reference will be found in the last Appendix, which, in other respects, aims at including all published works throwing any real light on the story. To include all in any way referring to Aram would be the mere affectation of pedantry.

How it came about that, the transcendent interest in the culprit notwithstanding, the York booksellers, who twenty years earlier had provided the public with a shorthand report of the evidence against Turpin, suffered no fuller account of the trial of Aram to appear than those at which we shall glance, must remain shrouded in mystery. The machinations of Iles hardly seem to explain all. The deep-rooted contemporary prejudice against Aram cannot be gainsaid. The figure of the lean and silent dominie remains in a measure inscrutable after all!

CHAPTER II.

Parentage and Early Life of Aram—His Marriage and Removal to Knaresborough—His Acquaintance there—The Plot—Disappearance of Clark—Aram absconds.

EUGENE ARAM was born at Ramsgill, a little village in Netherdale, in the West Riding of Yorkshire, in 1704, and baptised at Middlesmoor on the 2nd of October.¹ He is described as the son of Peter Aram, whom we know by his hapless child's account to have been a gardener, a native of Nottinghamshire, and a man of uncommon abilities, as addicted to studies as Eugene himself, and the author of a poem on the beauties of Studley Park, thought worthy of being included in a work printed by Thomas Gent on the history of Ripon.² It cannot, however, be said that there is anything remarkable in the poem, save that it was the work of a gardener. "It is like a dog walking on his hinder legs; it is not well done, but you are surprised to find it done at all," quoth the great Cham on some occasion, and these are very much our feelings on reading the rhapsody of the gifted horticulturist.

This is an example of his poetic fire in an address to the sun—

In what a sad, deplorable Estate
Were man reduced to want thy Light and Heat.

And thus does he take leave of the muse—

Blest sure are they, who such Delights pursue,
Which give them Health and make them happy too.

Aram, in his letter to the Rev. Mr. Collins, gives particulars, "rather ostentatious than pertinent," of the descent of his family, which was, at one time at least, considerable.³ He had, as we learn from his and Terry's examinations, two brothers, Stephen and Henry, the latter of whom at the date most material to our story, 1744-5, was apparently residing at Hull, though in what employment does not appear.⁴ Peter

¹ Gls. 49; Bell 49, citing baptismal entry.

² "The Antient and Modern History of the Loyal Town of Rippon," introduced by a poem by Mr. Peter Aram, &c. Printed by Thos. Gent. Cf. Davies's *York Press*, 172 and Gls. 50. The Arams did not, *pace* Scatcherd, subscribe to this.

³ Appendix IV., p.

⁴ Appendix I., p.

Eugene Aram.

Aram entering the service of Sir Edward Blackett at Newby,⁵ Eugene was removed at a very early age to Skelton, hard by, and thence, at about five or six years of age, to Bondgate, near Ripon, where he received the little education he ever had other than what he taught himself. At thirteen or fourteen he returned to his father at Newby, and, "with application intense and unwearied," began those studies which only the hangman cut short. Peter Aram's employer dying in 1718, Christopher Blackett, his fourth son, offered Eugene a place in his "accounting house" in London. The young scholar, then about sixteen, accepted it, and might have remained in that situation but for an attack of the smallpox, which occasioned his return home, where he renewed study in earnest. It seems probable that for some little time after Sir Edward Blackett's death, the family lived at the house in Bondgate, and that it was to this house that Eugene repaired after his recovery from the smallpox about the years 1721-2. At about this time Peter Aram entered the service of Sir John Ingleby, or Ingilby, of Ripley, where he died—"respected when living and lamented when dead." Newby Hall was later put up for sale, being advertised in the *London Evening Post* for 13th April, 1745, but the Arams had then long departed from it. It seems probable that at Ripon Eugene occasionally taught, if we may so conclude from a cryptic expression in his letter to Collins.

After a while he was invited into Netherdale, his native air, and here at Ramsgill, his birthplace, he commenced as schoolmaster. "Gaining some popularity as a teacher among the respectable farmers in the neighbourhood, he was accommodated with a room at Gouthwaite Hall, which is about two miles from Ramsgill, and entrusted with the education of their sons."⁶ Here he had under his care John Horner, Esq., of Hull, and his brother, George Horner, deputy-paymaster of the Forces, who subsequently resided at Haden-carr.⁷ . . . Here, in addition to these, Eugene Aram was the first instructor of William Craven, D.D., whose father lived at Gouthwaite Hall.⁸ There is a tradition that a family of the name of "Hanley" were also among his pupils here.⁹ At Ramsgill he taught, among others, a certain R. Iveson, who in later life described

⁵ Fletcher oddly says "that it is uncertain if Peter worked for Blackett or Sir William Ingilby." "A Book about Yorkshire," 319.

⁶ Bell, postscript.

⁷ Fletcher—"Pict. Yorkshire," IV., 68.

⁸ Bell, *ubi supra*.

⁹ Speight—"Upper Nidderdale," 296.

Aram's Marriage.

him as "a somewhat rigid disciplinarian, but a famous scholar."¹⁰

Whether it was before or after this time that he spent a month with John Adcock, vicar of Burnsall, to improve his education, there is no means to determine; we only know that "at a very advanced age for that" he spent a short time with this highly eccentric personage. It was during this period at Ramsgill that Aram became acquainted with the Greek and Latin.

By the middle of 1731 he had thrived sufficiently to take a wife, and on 4th May "Ujenius Aram" and Anna Spence were married, "after banns thrice published," the bride's brother Isaac espousing on the same day one Jane Fearr. Anna was four years younger than her husband, having been baptised "ye 1st of March, 1708." She was the daughter of Christopher Spence and his wife Ann; her mother was a widow in 1731; she had another brother, Abraham, who is referred to in the hitherto suppressed part of Aram's second examination. She had also a sister, Rebecca.¹¹ These names suggest a Jewish origin for the family, and Aram was alleged to have been in company with a Jew on the night of the murder; certain it is that he conveyed some of the goods of Clark to Abraham, for he himself admits it.

The marriage took place at Loftus or Lofthouse, Anna's birth-place, and a daughter was born to them prematurely, being baptised in the same church on January 23rd, 1731-2; she did not long survive, being buried on the 3rd of June following. She was named after her mother. A suggestion, cruel to the memory of the much-asperged Anna, has been launched, that this was not Eugene's child—on no better ground than that it may have been born in November, and so conceived out of wedlock!¹² It, indeed, seems not unlikely that the Arams had some illegitimate children—a circumstance far from surprising in those of their class. There was other issue of the marriage, for the register of Knaresborough, according to our antiquary, contains the following baptismal entries:—

Jan. 8, 1734—Anna d. of Eujenius Aram. Knar.

Feb. 22, 1736—Henry, son of Eujenius Aram. Knar.

Nov. 11, 1739—Elizabeth Daut. of—Aram. Knar.¹³

In addition to these, according to information gleaned by

¹⁰ Bell, 54, B.

¹¹ W. Grainge—"Nidderdale," pp. 127-9; Bell, 49; Gls. 50. The date of her baptism is O. S. (=1709 N. S.).

¹² J. M. Richardson in the *Leeds Mercury*, 11th November, 1899.

¹³ F. W. Joy's MSS. notes; Scatcherd gives the date of Henry's birth as 1737, in other words adopts the new style. Gls. 59.

Eugene Aram.

Scatcherd, the Arams had two other sons, Joseph and Michael, and two other daughters, Sally and Jane, of whom the former was, according to two accounts, with her father at Linn when he was arrested.¹⁴ She was the only member of the family between whom and its unhappy head any affection appears to have existed. It might nowadays be thought significant that one of the children was, throughout his brief life, an idiot subject to fits. To this marriage, loveless though fruitful, Aram, in his closing moments, attributed "this infamy and this sentence," a remark the little candour of which will in due time appear.

In the midst of his literary pursuits and the labours of teaching he received an invitation from his "good friend William Norton" to go to Knaresborough, ever since associated with his name, and thither he repaired, he says, in some part of 1734,¹⁵ and was "well accepted and esteemed." His first employment is said to have been to officiate as steward of Norton's estate, and this would explain how later on he came to be arrested for a debt due to his patron.¹⁶

Established at Knaresborough, he commenced the Hebrew, and, though his own narrative significantly drops the veil over the period of his acquaintance with Clark, to resume with his return to London, we learn through the least friendly of the pamphleteers¹⁷ that, "through the general Estimation and Opinion Gentlemen had of his uncommon Abilities and Extensive Learning, he was always looked upon and treated in a more genteel and respectable Manner than People of his Station . . . generally are. His way of living and outward Deportment were most remarkably unblameable for many Years. He was most upright and fair in all Dealings and Transactions he had with other People, of great outward Tenderness and Humanity. . . . In his own Profession, that of a Schoolmaster, he seldom, or never, punished those under his Care, without pretending great Reluctancy." His school at Knaresborough was the second cottage, afterwards a brewhouse, up the White Horse Yard, Houseman's backdoor opening on to the same yard. He did not, it seems, live there, but at a cottage in Church Lane, up a passage behind the house of a certain Mason. One of his pupils here was Richard Collins, son of James Collins, and nephew of the vicar of Knaresborough,

¹⁴ Where were the Arams living between the birth of Anna the elder and Anna the younger? It is conjectured at Ripon, and that some of the other children were born there. Aram witnessed a will at Ripon on 5th June, 1735. Inglis, p. 7.

¹⁵ Anna the second was baptised on 8th January, old style, i.e., in 1735.

¹⁶ "The most extraordinary case of E. A." at p. 132. See Appendix V., F. II.

¹⁷ The anonymous *York Pamphlet*.

Domestic Differences of the Arams.

a worthy who plays his part in the closing scene of our story. This nephew in after years pointed out the schoolhouse, when it was occupied by one Mitchell, a hatter, who had served apprentice to Francis Moor, hatter. one of the constables who apprehended Aram at Lynn. That Aram's was a mean school appears from the fact that there were but two thatched rooms, with no fireplace.¹⁸

Of Aram's domestic life, the little that is known represents him in a very indifferent light. "Aram was a very proud man, who thought himself so far above his wife that he always shunned her in the street, and did not speak to her if he met her in public."¹⁹ "One of the artifices which Aram employed to torment his wife . . . is curious. He would, for instance, dress up a shapely boy in female apparel, and contrive that his counterfeited attentions to the fine girl should catch the view of Anna. It may well be imagined how much these mutual jealousies contributed to the welfare of either party."²⁰

The epithet "mutual" demands an explanation. After his conviction Aram put forward the excuse that he suspected his wife's relations with Clark. Of this there is not the slightest evidence. Clark, a weedy, stammering, "pock-broke" youth of twenty-three, was married shortly before his murder to a young woman of property. Anna Aram was no longer young, had borne eight children and reared them, and had, on Scatcherd's own showing in the above passages, been treated by Aram with studied neglect, coldness, and cruelty. Lytton "put wholly out of question the excuse of jealousy, as unsupported by any evidence." While I cannot agree with him that Aram never put it forward, I prefer to accept contemporary opinion "that it is greatly to be suspected, it being at the expense of an innocent, industrious, poor woman, whom he ever treated in an infamous, inhuman manner."

It now remains to introduce upon the scene the known confederates of Aram in the plots which led to Clark's undoing. Daniel Clark, or Clarke, was a cordwainer, or, as we should now say, shoemaker of Knaresborough, the eldest of three brothers, of whom the other two were Joseph and Robert.²¹

¹⁸ Gls. 20-1. That Moor was a hatter appears from his recognisance. Young Collins had a sister, who on 3rd January, 1758, married the Rev. Mr. Lamplugh; she is described as "a young lady of beauty, merit, and fortune." The *Cambridge Journal*, 7th January, 1758. This description of the lady was what in law is called "common form." The fair were always thus thrice blessed.

¹⁹ Gls. 22.

²⁰ Mem. 12.

²¹ Gls. 22. Andrews in his "Historic Yorkshire" describes Clark as a travelling jeweller, an error possibly derived from the *Grand Magazine of Magazines*, which much exaggerates his dealings in jewellery. All legal documents describe him as cordwainer or shoemaker.

Eugene Aram.

He was about twenty-three years of age, pale and "pock-broke," about 5 feet 6 inches to 5 feet 8 inches high, and had a very bad stammer.²² He was doing well in business, his trade increasing, likewise his apprentices, when he decided to marry, and was successful in his suit with a young woman named Foster.²³ She brought him, for persons in their condition, a considerable fortune, variously estimated at from £160 to £300, and that he was in comfortable circumstances appears from the fact that he kept a horse at a livery stable. His widowed mother seems to have lived with him, and he probably became acquainted with his murderers through their living in close proximity to Philip Coates, who had married Clark's wife's sister, and belonged to a rank in life rather superior to theirs.²⁴ Clark and Aram had one taste at least in common—a love of gardening, but while the apologist sees in this an excuse for the undoubted intimacy between the scholar and the cobbler, Hargrove represents this community of interest as having displayed itself in the systematic ransacking of neighbours' gardens for flower roots.²⁵ It seems probable that Clark, in his humble way, shared Aram's taste for books. Pope's "Homer," in six volumes, and a two-volume edition of Chambers's dictionary were among the articles advertised as missing after the disappearance of Clark, and it is significant that we find the name of Cæsar Ward, the well-known York bookseller, among those offering £15 for the recovery of "large quantities of goods, viz., . . . books—and no question asked."²⁶ It is certainly strange that none of these books seem to have been found upon the search of Aram's house on or about the 10th of February, 1744-5.

Richard Houseman, the only figure in the story besides Aram to have been drawn in any detail by the generality of pens, was a man of precisely Aram's own age, being born and baptised in 1704;²⁷ he is variously described, according to the writers' bias, as "remarkable for his open, free and inoffensive disposition. . . . one of the utmost humanity and tenderness,"²⁸ and as a "big, broad-shouldered, square

²² *York Courant*, 12th March, 1745.

²³ Gls. 22. The *Y.P.* says she was Hannah Olding, daughter of an exciseman.

²⁴ He is generally described in the legal documents as a *gentleman*, a word of specific meaning in law. He is once described as a *yeoman*, as was Aram, a condition inferior to the other. Scatcherd says he was an attorney, but this is very doubtful.

²⁵ 10th Edition, p. 47; also Kendrew's Edition, p. 36.

²⁶ *York Courant*, 12th March, 1745.

²⁷ Gls. 53.

²⁸ *Y.P.* 12.

Aram's Confederates.

knave with a malevolent, sulky, downcast look, of repulsive aspect"—"the real picture of a murderer," and of "a character well suited to his looks."²⁹ He was bald, and wore a brown wig. On the night of the murder he was without a wig, and borrowed a handkerchief of Mrs. Aram to tie about his head. When he returned this, the good woman espied a drop of blood upon it about the size of a shilling.³⁰ By trade he was a heckler, flax-dresser, or "linning-weaver," an occupation very common in his neighbourhood, which also boasted a remarkable number of cobblers; four at least are concerned in our story.

Of Henry Terry we know little, so that most published accounts either ignore him altogether or follow Bulwer in the common error of saying that what became of him is unknown. Scatcherd and the York pamphlet are well-nigh alone in devoting any space to his case, and his examination, which curiously confirms Aram's in impeaching Illes, now sees the light for the first time, and it appears that a true bill was returned against him by Sir Cecil Wray and the grand jury, upon which he pleaded not guilty, and was acquitted. He was an ale draper, a word defined in Bailey's dictionary as a humorous name for a seller of malt liquors, but in Yorkshire, at least, it was at this time a proper and legal designation of a publican.³¹ He had a brother Robert, living at How hill, who was almost certainly privy to the crime, and was very probably present at its commission.³² Besides his employment as a publican, Terry seems to have acted as gamekeeper to "a most worthy baronet" of the county of York (there were three on the grand jury which returned a true bill against him), and we learn from a singular passage in Aram's second examination that he was something of a sportsman and in the habit of going out shooting. His inn was in the High Street, its sign the "Barrel," and it stood opposite the Crown Inn, a hostelry which survived in Scatcherd's time.³³

Of Mr. Francis Illes or Iles, the most mysterious figure in this confederacy, yet less is known, but even here my

²⁹ Mem 17-18; Gls. 14, 15, 19-21, 61.

³⁰ Gls. 19; Anna Aram's deposition, Appendix I., p. 159.

³¹ A jury list between party and party contains the following for the panel for York City, 1759:--29, George Davison, aledraper. 36, Robert Tenant, aledraper. 46, John Jackson, aledraper. Dr. Rimbault refers also to the words "aledraper" and "aledrapery" as occurring in "Kind Harte's Dream," by Henry Chettle, 1592, and the Rev. F. W. Joy also to the "Discoverie of the Knights of the Poste," 1597.

³² As to the Terrys' connection with the crime, see J. R. Walbron, at p. 222 of *Surtees Society*, volume 42.

³³ Gls. 25. See Barnett's deposition.

Eugene Aram.

researches have added two facts to previous knowledge; one, that Iles was among those to advertise a reward of £15 for the recovery of the goods missing with Clark; the other, that Terry confirmed that part of Aram's second examination, hitherto suppressed, which pointed to Iles as the ultimate receiver of a great part, at least, of the booty. He lived at Fish Hall, near the "Long Flat," was reputed a receiver of stolen goods, and I see much reason to agree herein with Scatcherd that he was, if not the promoter of a series of crimes, at least the chief person to benefit by their commission—a local Jonathan Wild, in fact.³⁴

There is some reason to think that in 1744 the confederacy had promoted an earlier plot of robbery and murder, a Jewish boy or young man travelling in jewellery being the victim; and it has with some probability been conjectured that the first discovered remains were his, and that Clark had as much concern in this crime as any of the others. It is also suggested that Aram was as deeply involved in this affair as he was in that for which he suffered.³⁵ However that may be, the complicity of Houseman and Aram, at least, in the frauds now about to be explained, admits of no denial. Clark, it is said, was weak or unprincipled enough to be prevailed on to order a great many goods, in view of his approaching marriage, beyond what he could either use or afford to pay for. He was the better able to secure credit from his stable, if not from his increasing business as a shoemaker, and from the reports of his bride's fortune, which, as commonly happens, was much exaggerated. It is a matter of doubt whether Clark had any fraudulent intention at all. If he really designed to go off, as Aram in his second examination asserted, he deliberately elected to sacrifice a thriving business, desert a newly-married wife about to become a mother, abandon all beneficial interest in his freeholds in Knaresborough, as well as the ownership of a horse he had, and sever all connection with kindred and friends. A man's affairs must indeed be desperate for him to contemplate a measure so apparently in conflict with his interests and desires. Many accounts, especially that in the *Grand Magazine of Magazines*, greatly exaggerate the extent of Clark's indebtedness. He is there represented as placing large

³⁴ Gls. 17; Mem. 15.

³⁵ See curious facts supporting these conjectures in *Y.P.*, pp. 45-6, and Gls. 63, referring to a MS. poem on the subject of this murder, by Thos. Gent. Cf. also Bell, p. 54, for an anecdote indicating Aram's privity in some dirty work about this time. In September, 1758, the papers boldly charged the confederates with the murder both of the Jew and his man! See Appendix II., p. 172. Years later a second body was found near the site where the first was discovered on Thistle Hill. Gls. pp. 62-3. The first body was that of a young person, as deposed by the surgeons.

Clark the Dupe.

orders locally for jewellery and plate, as supposed agent for a London house having a large export order, on the terms of receiving credit, until himself paid by his principals, engaging, in a word, in what are now termed "long-firm frauds." If this view of the facts, which is apparently followed by Mr. Andrews,³⁶ be true, though there is nothing to support it, it all the more indicates other and maturer minds as guiding this stuttering youth of twenty-three in the labyrinths of crime. It is at variance, however, with the fact established by the *York Courant's* advertisement—that it was local people who were the creditors, and were very unlikely to believe that a great London house would send large orders to a young cobbler of Knaresborough, for goods in which he did not deal—*ne sutor ultra crepidam*.

If the story of the Jewish boy be put out of account, there seems no adequate reason to suspect Clark of any criminal designs at all. Millions of young men since time began have ordered goods on credit, for which they could not pay when the day of reckoning came, and tradesmen have never been backward in forcing their wares on inexperienced youths supposed more affluent than they are. Much of what he ordered might have been for the purposes of his trade, viz., the leather, of which Houseman possessed himself to the value of £45.³⁷ The other articles are of a nature that makes it easy to suppose their acquisition due to the extravagance, and, possibly, folly of a young fellow, flattered to be thought the highly substantial bridegroom of an heiress, and many are such (the bed and table linen, for example, the velvets and cambrics) as would be necessaries for setting up house or gratifying the taste for finery of a buxom bride of position enough to have a professional gentleman for her brother-in-law. As to the borrowed tankards and cups, what proof is there that Clark would not have held the feast and returned the plate, if callous villainy had not cut him short? A man who stammers, as has been observed by more than one medical writer, is rarely other than frank in his nature; the character of a *chevalier d'industrie* does not sit lightly upon one who can barely stutter out the truth, much less weave with glib tongue a specious string of falsehoods. The hue and cry after him when he was believed to have gone off proves nothing. So long as he was supposed alive, that he had fraudulently absconded was an inevitable inference from the absence of all portable property of his. As only £15 was offered for the recovery of the goods, it is a fair inference that their value, the loaned goods included, was not, at the highest, above £150—a sum well within his wife's fortune, taking that

³⁶ "Historic Yorkshire," Chapter xxiii.

³⁷ Stephen Latham's deposition, Appendix I., p. 152.

Eugene Aram.

at the lower figure, given by Peter Moor; that fortune, in the absence of a settlement, very unlikely to exist in the case of a cobbler's bride, would have passed absolutely to Clark, *jure mariti*, as the law then stood. Indeed the handing over, after demur, of the money to the husband, negatives the idea of any settlement. Add to this the facts that £45 worth at least of the goods so ordered consisted of leather, a natural commodity for a shoemaker, that Clark was seised of two freeholds, and was so far from appearing embarrassed to his intimates that his servant, Peter Moor, lent him £38 but a few days before he disappeared, and Clark's share in any criminal design becomes very problematical, resting as it does upon the assertions of his murderer, driven to account in some such way for Clark's sudden vanishing and continued absence. Moreover, if Clark's designs were fraudulent, it is difficult to see why he should have run the risk involved in disclosing them to several others.

To return to the narrative, with whatever intent, Clark received from the neighbouring tradesmen both goods and loans of money and plate. Thus of Beckwith he had velvets, cambrics, and fifteen guineas; of Ward, a saddler, whips and leather; of Iles, blankets, &c. "He even descended so low as to become a customer for a tea kettle," quaintly says the York pamphlet, reminding us of that yet greater measure of infamy reached a few years later by Dr. Dodd, who at length (*horresco referens*) "descended so low as to become the editor of a newspaper" ³⁸

Other things he got included silver tankards, quarts and pints (described in the old reports as "tankards" and "pints," showing that the more generous measure was the one generally called for at the "Crown" and the "Barrel"), one silver milkpot, nine rings, eight watches, two snuffboxes, "Chambers's Dictionary," and Pope's "Homer," with much bed and table linen, and linen and woollen drapery goods. He continued to buy on credit and to borrow up to the time of his disappearance, going about borrowing or trying to borrow plate for a supposed or actually intended wedding feast on the night of the 7th of February, 1744-5, when he was last seen alive. About nine o'clock on this night he left his home, telling his mother he was going to a place called Newell Hall to see his wife, who was there, the next morning.³⁹ The same night he told his brother-in-law, Philip Coates, that he would be with him about nine the following morning. Clark did not keep this appointment, and Coates, on inquiry at his house, was

³⁸ See Knapp and Baldwin's *Newgate Calendar* (1824-28), iii. 53.

³⁹ Dorothy Clark's deposition, Appendix I., p. 150.

The Eve of the Murder.

told he had gone to Newell. He called again the next day, and hearing nothing of him, went over to Newell, where his wife and her sister (Clark's bride) expressed surprise that nothing had been heard of him. On further inquiry Coates ascertained that upwards of £200 in cash had disappeared, together with a great quantity of plate, but that Clark's horse—so convenient to enable him to fly his country, had he had that design—was still at bait at Bryan Hardcastle's stable.⁴⁰ Clark had been seen by many persons up till a late hour on the night of the 7th. At eight o'clock he came with Houseman to borrow a tankard from the house of Jonathan Locock, but the maid said her master was out. An hour later she saw them again, going into Kirkgate, in company with Aram, as she was in Jockey Lane.⁴¹ Between eleven and twelve o'clock Clark called upon one William Tuton, or Tutin, a mason, to leave some leather, rousing him by sending his apprentice. Later, "about two of the clock," as he told the magistrate, or "nigh three," as he told the coroner, Tuton was again visited by Clark, who called him out of bed. Looking out of the window, to speak to Clark, he saw, it being moonlight, Aram and Houseman standing near Clark's cellar door, the former in a dark, the latter in a light coat. Upon being observed they withdrew to the end of the street, towards Knaresborough Castle Yard, where, Clark presently joining them, all three disappeared. While thus lurking in the shadow of the moon, than which there is nothing more impenetrable, either Aram or Houseman abstracted a pick belonging to Tuton, which he subsequently found and identified at Aram's house two or three days later.⁴²

In about two days' time after Clark's disappearance it seems to have been assumed that he had absconded to evade his creditors. As early, at least, as the 12th of February he was advertised as missing, with a list of the goods he was supposed to have taken. This advertisement was repeated on the 19th, and on the 12th of March there appeared the following in the *York Courant*, a newspaper recently founded and owned by Cæsar Ward and one Chandler:—

"WHEREAS Daniel Clarke, of Knaresbrough, a thin pale looking pock-broke Man, about five Foot six or eight

⁴⁰ Coates's deposition and information, Appendix I., pp. 153, 157.

⁴¹ Mary Bransby's deposition, Appendix I., p. 150.

⁴² See Tuton's information and his deposition. He had mentioned the pick on the 12th August at the first inquest. Elsewhere it is styled a mason's hammer—quite a different tool, much blunter. Tycho Wing's *Almanack* for 1745, the *Lady's Diary*, and other ephemerides establish that the moon, full on the 5th, rose on the 7th at 7.58 p.m., "southed" at 1.22, and set about 8.30 a.m.

Eugene Aram.

Inches high, aged about twenty-three Years, has a very great Impediment and Stammering in his Speech, went from Knaresbrough on Friday, the 8th of February last, and defrauded several Persons of large Quantities of Goods, viz., Silver-Pints and Quarts, Diamond and Gold Rings, Watches, Snuff-boxes, Books, etc., the Particulars of which may be seen at large in this Paper on the 12th and 19th of February last.

“WHOEVER can give any account of the said goods (so as they may be had again) to Mr. James Collins, Mr. Francis Iles, Mr. William Clayton, or Mr. William Pullen, of Knaresbrough; Mr. Ward, Bookseller in York; or Mr. William Sandby, Bookseller, at the Ship, without Temple-Bar, London, shall receive FIFTEEN POUNDS Reward for the Whole or in Proportion for any Part thereof, from any of the Persons above-mention'd: and no Questions ask'd.”

After the way of the world, Clark's previous fair reputation at once gave place to the settled notion that he was a fraudulent rascal. Bryan Hardcastle made but two days' delay in handing over his horse to one John Holliday, who paid him for his keep. Philip Coates, as we have seen, searched Clark's house, and found money and goods all gone. Those who had given Clark credit were now much put about, and Iles, Ward, Hawkridge, with others, among whom was Tuton, came to Aram's house as that of a suspect of privity in the frauds and flight of Clark, and after a prolonged search discovered not only some blankets and the kettle, where such things might naturally be looked for, but velvets, cambrics, and woollens, together with stockings, buried in the garden. At Houseman's was found some leather, which he pretended to have received from Clark as security for a loan, and also some whips, obtained from Ward, the saddler (the only Ward to advertise for Clark was the bookseller). A good deal probably lay concealed under his flax; yet about £45 worth was traced to his possession.⁴³ The plate which had been obtained in such quantities, was never found. It was beaten out of shape, conveyed by the two Terrys, Henry and Robert, to How Hill, and thence over the border to Scotland, where it was disposed of.⁴⁴ A tradition was long preserved that it was broken up, not at the cave, but at the house at How Hill, of which Robert Terry was the tenant, and this seems much more probable than Aram's assertion—a necessary fiction to account for his presence at the cave on some other errand than

⁴³ Stephen Latham's deposition.

⁴⁴ Aram's second examination

Iles the Fence.

murder.⁴⁵ Much of the plate, however, fell into other hands than the Terrys'—into those of a personage, always greatly enveloped in mystery, Mr. Francis Iles, who, as the *York Courant*, the York pamphlet, and others of the most unimpeachable contemporary sources go to show, played a conspicuous part in the recovery of the goods, and in so doing incurred the lasting resentment of Aram and Terry, whose examinations, so far as they reflected on himself, he managed to suppress. "We suppressed a part of his second confession, because it reflected on some characters that stand unimpeached."⁴⁶ So wrote the compiler of the 1759 editions of Anne Ward and Bristow, and the discretion of subsequent editors suffered the veil to remain unwithdrawn with regard to the participation of Iles in the profits of the crime. The York pamphleteer was yet more disposed to champion Iles, whom he represents as most active and (we are invited to believe) disinterested in the recovery of the goods. Not until Scatcherd's second edition of the "Memoir" in 1838, was even a part of the suppressed passage in Aram's second examination given to the public, and only with the appearance of the present work is it disclosed in its entirety, together with examination of Henry Terry, of the existence of which previous writers seem to have been unaware.

Iles certainly bestirred himself to recover the goods, and the anonymous pamphleteer tells us, being here confirmed by Aram himself, succeeded in obtaining a parcel which Eugene had conveyed to his brother-in-law, Abram in the Dales; he further paid the pedagogue £3 12s. as a proportionate reward for the discovery of more, but we are told that Aram pocketed the money, and made no attempt to restore the property.⁴⁷

It is a conclusion, almost forced on the critical reader of the earliest authorities, that Iles possessed sufficient substance to procure the interest of local pens to shield him at the expense of his confederates, and having by threats and duress amassed not only a large part of the proceeds of this conspiracy, but a considerable fortune—the fruits of other felonies—was able by his command of wealth to secure his own immunity and ensure the destruction of the confederate most likely from his courage and vindictiveness, to involve him in ruin, should aught bring to light the ghastly transactions on which they had been engaged. That a wealthy man might in the middle of the eighteenth century have interest enough to remain un-

⁴⁵ J. R. Walbron, F.S.A. "Memorials of the Abbey of St. Mary of Fountains," p. 222, note.

⁴⁶ Cf. Bristow, p. 31.

⁴⁷ Y.P. p. 35.

Eugene Aram.

harmed by the outraged law more than one melancholy instance has proved—

In the corrupted currents of this world,
Offence's gilded hand may shove by Justice,
And oft 'tis seen the wicked prize itself
Buys out the Law

Aram and Terry, while vehemently open to suspicion when shielding themselves, may be thought deserving of some credit when impeaching another, and both concur that Hes "possessed himself of Clark's goods to a considerable extent," and it is a probable conjecture that he was enabled to do this from some knowledge he had acquired and his threats of using it. Scatcherd, a strong partisan, it is allowed, represents Hes as a well-known receiver, and adds that Clark's plate went to his house near the Long Flat, where, after his death, immense quantities were found.⁴⁸ Some people believed him to have been the instigator of all the mischief which ensued, and that much booty passed through his hands. His house stood by the wayside, just at the town's end, going to York; his property went to a spendthrift nephew,⁴⁹ and the family became extinct.

How many were concerned in the dark transactions of the night of the 7th—and there is strong reason to suppose that a fourth man, not Terry, shadowed the other three, to wit, Aram, Houseman, and Clark on the fatal journey to the cave—can now only be conjectured;⁵⁰ what is clear is that the most vehement suspicion fell on Eugene. On or about the 10th of February he was arrested on a *mesne* process, an obsolete civil proceeding, for a debt due, says Bristow, to one Norton, probably the patron on whose invitation he came to Knaresborough, and it may be in respect of money collected by him as steward and not handed over. He speedily procured his release by offering at once to discharge the debt, and producing at the same time—to the great astonishment of Stephen Latham, the officer who arrested him, and knew him to be very poor—upwards of a hundred guineas in gold and other large coin "from his breeches' pocket." This incident he neither explained nor denied at any time, merely saying in reply to justice Thornton's questions that he "does not recollect it." The production of the money, so far from allaying, naturally increased suspicion, and Aram was arrested on a warrant granted by a justice of the peace named, according to Terry, Townend (or Townsend or Tancred), for a misdemeanour, in

⁴⁸ Gl. 17.

⁴⁹ Mem. 15.

⁵⁰ Y.P. p. 27. Houseman's first examination, in the original, is full of prevarication about this person.



Exterior of St. Robert's Cave as at the present day.

(Photo. by S. Wilkinson, Kew, Shropshire.)

Aram Absconds.

possessing himself of some of the goods fraudulently obtained by Clark; but, the charge not being made out, he was dismissed and set at liberty. About this time, according to contemporaries, he paid off a considerable mortgage on his house at Bondgate, which had come to him on the death of his father,⁵¹ and this statement has been so variously repeated in what appear to be independent accounts of the case of the year 1759, that it is difficult to resist the conviction that the mortgagee was a witness against him upon his trial. Scatcherd makes hereon the characteristically naïf, not to say fatuous, suggestion that Eugene was enabled to pay off the mortgage by the aid of a legacy received under "the will of an old lady thenabouts."⁵² It is strange that so opportune a windfall escaped the capacious memory of the person most concerned to explain to the law his possession of unaccountable wealth soon after the disappearance of his victim.

Aram continued some time longer at Knaresborough, without further molestation of any kind, but his character was now so stained by suspicion that it became imperative, apart from the secret of St. Robert's cave, which chance or a flood—a common occurrence—might discover, to tempt fortune anew among strangers. Accordingly, on a date not quite certain, with considerable stealth, and "without acquainting any person with his intention," as the York pamphlet puts it, he left Knaresborough, proceeding first, if we can believe him, to "near Notingham, to be with some relations a few days"; though a tradition is preserved that he went first to Catcliffe, an obscure village near Rotherham,⁵³ and it is not improbable that he remained within an accessible distance of his home for some little time, since Scatcherd tells us, on the authority of an eye-witness, Polly Powell, his next-door neighbour at Knaresborough, that at dead of night, by the pale glimpses of the moon, the lean form of the schoolmaster was seen to creep into the house of mystery in which such strange things had been doing for some time past.⁵⁴ The object of this furtive visit was never disclosed, for Anna Aram denied all knowledge of it to the good gossip when taxed with it.

Of Daniel Clark it remains to be said that he was advertised for, and "all diligence used in order to obtain a discovery of

⁵¹ When Peter Aram died is uncertain. In 1735 Peter and Eugene were respectively second and third subscribers to the "*Annales Regioduni Hullini*" or History of the Royal and Beautiful Town of Hull, by Thos. Gent, sold by Ward & Chandler. The Arams did not subscribe, as has been said, to the History of Ripon.

⁵² Mem. 35, n.

⁵³ Gls. 52, n.

⁵⁴ Gls. 12.

Eugene Aram.

him, but that not the least intelligence of him was ever obtained."⁵⁵ The sole extant advertisement appears to be that already quoted. That he was alive somewhere, in hiding, was the belief of his relatives and friends; his mother refused to believe him dead, and his wife was of the same persuasion; nor were they convinced to the contrary until the discovery of the bones where Houseman had indicated.⁵⁶ Philip Coates gave a practical proof of a similar conviction by suing Clark in trespass on the case, when, the defendant not appearing, he was outlawed on a writ of "*capias utlagatum*" on the 20th day of October, 1746, on an inquisition taken by Henry Ibbetson, Sheriff of the city of York, at York Castle,⁵⁷ and the Pipe Rolls from 1747 until 1832, when they ceased, record among the annual "*Summonses of the Pipe*" directions to the Sheriffs to levy on the lands of one Daniel Clark, cordwainer, whose miserable ghost thus haunted the Exchequer long after his mortal remains and those of his murderer had been mingled with the dust. In 1832 Clark owed arrears, the sum of which was precisely £638 6s. He then finally disappeared from the ken of the law. He left a posthumous child, of which his wife had been *enceinte* about a month when he disappeared; it died in infancy. Houseman, despite the fact that £45 worth of Clark's leather had been traced to his house, by adroitness or by bluff, seems to have avoided the inconvenience of arrest; notwithstanding that "he increased in wealth surprisingly and to some gave great suspicion."⁵⁸ Whenever the Nidd overflowed its banks, as was afterwards remembered, he would prowl down them, and was once observed by an old woman creeping out of St. Robert's Cave, and then going to wash his hands in the stream. The general opinion subsequently was that he lived in a state of great alarm, fearing that every flood would expose the body of Clark.⁵⁹

Terry and Iles continued in the locality, and the publican was not the last to hear and to profit by any tap-room gossip concerning the fate of the vanished cordwainer.

⁵⁵ Coates's information.

⁵⁶ Gls. 22 and Mem. 50.

⁵⁷ Pipe Roll, 20 Geo. II. The proceeding before the sheriff would be on writ of inquiry as to damages.

⁵⁸ *Y. P.* p. 37.

⁵⁹ Gls. p. 61.

CHAPTER III.

**Aram's Life in London—His Strange Courtship and its Abrupt End
—Various Employments as Tutor—An Alleged Visit to France
—He Copies Acts of Parliament—Usher at Lynn.**

ARRIVING in London, according to his letter to the Rev. Mr. Collins, about the 18th of April, 1745 (by a *lapsus calami* Aram wrote 1744, the year ending on 25th March), "where," in the quaintly inexact language of his first examination, "he resided publickly till he went to Linn," Aram began to make use of the money and effects of which he was now master in a manner more extravagant and suitable to his inclinations than he could have done in the country. According to a well-known authority, he soon disposed of such of his booty as did not consist of cash to a Jew.¹ The York Pamphlet, which bears some evidence of having been compiled from first-hand information, now becomes our principal authority.

"In short, he became the Gentleman, dressed well, and kept Genteel Company, to which he found easy Admittance. . . . Having left his Wife behind . . . he began to think of having a fresh one. . . . For this Purpose he singled out a fair one of a good Share of Beauty, genteel, and who carried the outward Marks of having a competent Fortune. . . . Here the wily Aram was, however, deceived. She, notwithstanding her outward Deportment, being no other than a Lady of Pleasure, and kept by a Gentleman of L—ds, whose Name we chuse rather to omit, than here mention it with such a Villain. Enamoured as he was, his Profusion in Dress and in Presents to the Object of his Flame, scarce knew any Bounds. . . . Being, as he daily was, one Afternoon on a Visit to drink Tea with his virtuous Fair . . . the Gentleman, her Keeper, chanc'd to drop in. . . . He was not wholly pleased at finding her so familiarly engag'd. Tea being just brought up, he however staid, behaving civil and complaisant to Mr. Aram during the Time. Aram's Face, however, not being altogether a Stranger to him, he took his Leave, with a Resolution of returning the next Morning, and knowing of his suspected Lais, the Reason of his being there. He, pursuant to this

Eugene Aram.

Resolution, came and interrogated her . . . as to who, and what the Gentleman was, he found her with the Day before; whether she knew him; on what Account he was there, and other such-like Questions. To which the innocent Nymph ingenuously replied, That she, indeed, knew not particularly who, or what he was; that his Name was Aram, and she believed a Gentleman, from the Appearance he made, as well as from the Quantity of Money, which she thought to be about three hundred Pounds, he one Day counted out before her, saying he had just been and received it of his Banker: As also from the many handsome Presents he had made her . . . adding further, That she supposed she shou'd in a small Time be forced to leave him to the Caresses of another Mistress; for that Mr. Aram paid his Addresses to her in an honourable Way. . . . He answered her, That he shou'd be extremely glad to see her at any Time well provided for . . . but that with Respect to the Courtship of her present Admirer, he wou'd advise her to be very cautious . . . for that he knew him well, and instead of the Gentleman he appeared to be, he was in Fact as errant a Villain, as was upon the Earth. . . . He told her, if she followed his Advice and ask'd him what Countryman he was? Whether he had not lived at Knaresbrough in Yorkshire? Whether he did not know one Daniel Clark of that Town, and whether he was there in London or if he knew what was become of him?"—the answers would convince her that there was something wrong.²

"Aram came to prosecute his Suit, and . . . carelessly inquired who the Gentleman there the Day before was? She told him he was a Cousin, and a very good Friend of hers. She, in her Turn, begun by slightly asking him in what Part of England he resided; He answer'd he generally spent a Month or Two in London every Year, but that his Estate was in Essex. . . . 'Did you never live in Yorkshire, Sir, at a Place called Knaresbrough?' she replied. At this he seemed a Little confounded, and began to hesitate, saying: No, he never lived there; that he had indeed been at the Place, sometimes for a few Days on Business. She here more plainly saw the Confusion he was under, and continued . . . by asking him whether he was not acquainted with one Daniel Clark, whether he was not with him in London or not, and what was become of him? Here his Confusion and visible

² The grammar here becomes so defective in the original, that I merely give the sense of the concluding words of this sentence.

A Courtship Curtailed.

Consternation . . . firmly convinc'd her that her Gentleman had some very cogent Reasons for setting her upon interrogating her Lover in the Manner he had. To the last Questions Aram replied in a most fault'ring Manner; That he never knew any such Man at Knaresbrough and consequently cou'd give no Account of his being in Town or not; he had, he thought, indeed seen some such a Man advertised in the Papers, but who, or what he was, he knew not; and why shou'd she ask him about so low a Creature as a Shoemaker? Here he immediately found he had overshot himself and quickly recovering his Blunder, continued, 'A shoemaker, I think, he was described to be in the Papers.' She carelessly replied, She had no great Reasons for such her Enquiries, but was desired by the Gentleman that was there the Day before. 'He desire you, Madam,' replied the still more confounded Lover, 'Pray what Countryman is he?' 'One of L—ds,' said she, 'and he thought he was not unacquainted with your Person; but since it prov'd a mistake, there can be no great Matter in it.'"

"The Mistake, if however of little Consequence to her, was not so to the conscious Aram. . . He, therefore, much sooner than common, took his Leave of his fair One, under a faithful Assurance of visiting her next Day."³

The lady imparted to her patron the whole of what had passed, "which on hearing, made him resolve to meet Aram there in the Afternoon, and have some further Discourse with him. But this the crafty Aram was aware of, for he never visited or came nigh his Beloved again, nor cou'd the Gentleman, tho' he made the most diligent Enquiry, ever find, or discover the least tidings of our sham Essex Gentleman."

This strange story is not antecedently improbable. Whether the Lady of Pleasure deceived her Gentleman as to the strictly honourable nature of Aram's addresses, as she did Aram as to her relations with the Gentleman, it were bootless to inquire. If he contemplated bigamy here, as I think he may have, it gives some colour to the supposition that years later, at Lynn, he was unscrupulous enough to pay his court to a young lady residing in the neighbourhood. It is a slight, internal circumstance in confirmation of this story that the Gentleman of Leeds is represented as suspecting Clark to be in London with Aram,

³ *The York Pamphlet*, pp. 38-45, a passage, upon which no subsequent writer has bestowed the slightest notice; Scatcherd seems to be the only one acquainted with this tract, and he was too much of a partisan to indulge his readers with this strange glimpse of his hero's "honestly laborious days."

Eugene Aram.

or in a situation known to him; were the incident merely the invention of the anonymous scribe of 1759, one would not have expected this touch to have been introduced into a narrative so artless.

After living in a prosperous manner for some time, our hero was once more under the disagreeable necessity of recommencing teaching, and he accordingly agreed "to teach the Latin and writing" for the Rev. Mr. Painblanc in Piccadilly, and, he adds, "he, along with a salary, returned by teaching me French. . . . I remained in this situation two years and above." We are not surprised that, with his undoubted linguistic ability and "continued application every night," he "soon became a tolerable master of French." . . . "Some time after this," he proceeds, "I went to Hays,⁴ in the capacity of a writing master, and served a Gentlewoman there, since dead, and staid after that, with a worthy and Revd. Gentleman; I continued here between three and four Years."⁵ At some time or other, in these first ten years of his life in London, Aram seems to have visited France. The authority for this is the curious letter now given at length. It is very doubtful if such a visit ever took place. It is hard to reconcile the statement that he "acquired the language" on this visit with the passage above, that he soon became a tolerable master of it under Painblanc. Further, it seems unlikely that one living as furtively as I am convinced Aram did, would have cared to court official inquiry into his identity by applying for a passport. Murderers, as observed by Sir James Stephen, are commonly very great liars, and it is possible that a mere impulse of vanity, a trait of every criminal character, may have induced Aram to invent this story of foreign travel; for it behoved every fine gentleman to have made the grand tour, and Eugene had, in consequence, to make it, though but in the imagination. Neither in his letter to Collins nor in his first examination does he say anything about this supposed visit. The letter is as follows:—

DR. SR.

If that particular Acquaintance, if that Intimacy and Ancient friendship which have so long subsisted between us is not yet forgot; if yet they have any influence, I know not whether I ought to be more glad to write or you to hear, many Years and many accidents have now past over me, but still with some advantage I hope both with regard to my circumstances and my abilities in Letters, My Scituations since I left you

⁴ Said to be Hayes in Middlesex, not in Kent. It is said that he taught in a boarding-school here, and the *Biographical Magazine* says it was kept by the Rev. Anthony Hinton, but this is an error.

⁵ The Rev. Anthony Hinton, of the Botanical Gardens, Chelsea, from whom we learn of Aram's great humanity to worms!

An Alleged Visit to France.

have been various, I was Tutor 3 Years to the sons of a ffamily of Distinction in Berks and in other Employments of that kind 4 Years, with the money arising thence I went over into france a Tour partly of curiosity and partly of profit in which I have visited Roan [Rouen, not Roanne, E.R.W.] Paris, &c., and even Blois and Orleans I acquired the Language which is now at once an extraordinary recom'endation and benefit to me, This you see has been Ye manner among thousand amusements in which I have disposed of my time, my observac'ons whilst abroad have neither been few nor I hope impertinent, their Performances with the Pen did not escape me but they appeared to me Labour'd painted and despicable, I brought over a few not to imitate them I assure you Sr. but for Ye same reason our Sailors do Monkeys, In Town indeed are a few Masterly hands and but a few Chicannene champions, pray reply in two or three Poste at farthest, otherwise I shall be gone and don't direct for me but for Mr. Wm. ffisher in Milford Land in Ye Strand London

I am Sr. Yr. hbe., Sert.

E: Aram

It has been conjectured that the addressee of this letter was either Norton or Collins, but whether it was directed to anyone at Knaresborough seems doubtful. "My Scituations since I left you" may refer to the very abrupt departure from Knaresborough or to the more open removal from Ripon, where Aram had, as we shall see, an occasional correspondent. One thing, at least, appears from the very cautious conclusion to this epistle—Mr. Aram was not living quite so "publickly" in London as he wished upon his first examination to be believed. He does not tell his correspondent where he is going in "two or three days," nor the name of any one of those employers in those "Scituations" so various, and the only name he gives is that of an obscure personage, who, apparently for a consideration, allows the embarrassed to make use of his address as an accommodation one.

Before going to Lynn, Aram had another employment—the severe drudgery of transcribing Acts of Parliament to be registered in Chancery. These are Acts, for the most part private, formerly removed by *certiorari* to the Chancery and deposited in the Rolls Chapel, often several reigns after their enactment, in order to be exemplified under the Great Seal. Nothing enables us to fix the date when he was so engaged, but from his letter to Collins it would seem to have been his last shift, before a somewhat brighter prospect opened before him at Lynn.⁶

⁶ In Appendix II. of the "Memoir" is a communication, which a MS. note of Scatterd's in the B.M. copy states came from John James, F.S.A., purporting to identify, by their superior neatness, the transcripts made by Aram. James says that he found them after some difficulty "on being indulged with a look at the *statutes at large*." These were never in the Rolls Chapel, and have nothing to do with the Acts Aram copied: these last are all on parchment, engrossed, and the only signature appearing on them is that of the Clerk to the Parliaments. They are in Gothic character.

Eugene Aram.

To whose patronage Aram was indebted for his next situation, as usher at Lynn, we are not informed. Advertisements of vacant usherships are far from infrequent in the old papers; most probably he was one of several to present himself in consequence of some such alluring notice as the following:—

“BOROUGH OF ABINGDON—AUG. 10TH, 1758.

“WHEREAS the Ushership of the free Grammar School of this Boro', at the yearly Salary of £20, is become vacant by the resignation of the late Usher . . . etc.”

A comparison of the salaries in Nicholas Carlisle's “Endowed Grammar Schools” shows a variation in the usher's emoluments between a minimum of £15 and a maximum of £30. In a private school advertisement I found a salary as low as £10. When Carlisle was compiling his work there was no longer any usher at Lynn.

The *British Chronicle*, *Lloyd's Evening Post*, and other early authorities inform us that Aram went to Lynn “about the beginning of December, 1757”; it is important to fix the date, because of the charge, which will be examined, that he attempted during the Christmas vacation to rob the master of the school fees. Whatever was the exact date of his arrival in Lynn there is no reason to think that his connection with the school did not begin until the vacation was over. His appointment was subject to the confirmation of the Corporation of King's Lynn, although subsequently the master was empowered to select his ushers independently.⁸ A congregation was holden on the 6th of January, 1758, at which certain business was done, and the next⁹ was on the 14th of February, the proceedings at which, so far as material, are thus entered in the Corporation hall book—

“KING'S LYNN, GUILDHALL.

“AT a Congregation there holden, the 14th day of february, 1758, being the day for proclaiming the Mart.—

“Benjamin Nuthall, Esq., Mayor.

“John Exton, Sir John Turner, Baronet, William Bagge, Edward Everard, Philip Case, and others.

⁷ The candidates were invited to attend on the 7th of September following, which helps to fix the date of the summer vacation—the materiality of which will appear. The advertisement is from *Jackson's Oxford Journal*, 12th August, 1758.

⁸ E. M. Beloe, *Lynn News*, 18th June, 1898.

⁹ So I am informed by Mr. J. W. Woolstencroft, the present town-clerk.

Aram Appointed Usher.

“Mr. Knox having informed this House by Letter that he had dismissed John Birkes his late Usher, and had engaged Eugenius Aram in his stead, subject to their Approbation, the said Eugenius Aram is approved by this House during the Pleasure and under the Control and Power entirely of the said Mr. Knox; and it is ordered that the Usher's salary be paid to Mr. Knox during the Pleasure of this House.”

During all these years Aram had continued to be seised of his house in Bondgate, Ripon. Most probably he had mortgaged it again up to its full value as a security, for he was clearly destitute of means for his defence when arrested, and could procure neither witnesses to character, nor counsel, nor attorney. Scatcherd has investigated his connection with the Bondgate property, but, with his usual carelessness, has only made confusion worse confounded.

Appendix vii. of the “Memoir” has the following:—

“Extract from the Town's book of Knaresborough regarding certificates:—

“For Eugenius Aram, from Aismonderley, with Bondgate and Liberty of Ripon. Granted 12th of May, 1752.”

In the “Gleanings” he writes, at p. 52—

“Extract from the Town's book of Knaresborough retract the following:—

“12th of May, 1732. For Eugenius Aram, etc.” (*ut supra* to the word “granted”).

“Eugenious Airham,” in a list of owners and occupiers of houses in Bondgate, entitled to an average rent, appears as the 31st name, and “on Mr. Humphrey's plan of Ripon he stands as No. 922, and seems to have been the owner of a cottage, and entitled in respect thereof to the yearly sum of two shillings and sevenpence halfpenny, besides a cattlegate.”¹⁰ A letter of Aram to an unknown correspondent in Ripon, dated from York Castle, 1st March, 1759, indicates that he had long been a stranger to that town.

¹⁰ Gls, 51-2. The B.M. copies with Scatcherd's MS. corrections do not put these dates right. One is certainly wrong; in 1732 Peter was the owner of the Bondgate property. Scatcherd gives the date of the appointment as usher as 14th July!

CHAPTER IV.

Aram's Life at King's Lynn—Lynn Society in 1758—The Grammar School—A Classical Curriculum—Aram's Scholars and Acquaintances There—The Alleged Attempt to Rob the Master—An Unfounded Charge—Aram and the Sex—A Mysterious Female—His Solitariness and Oddities—His Recognition and Arrest.

OUR knowledge of Aram's life for the next few months is happily less fragmentary than might have been expected. Linn Regis, the modern King's Lynn, a seaport strangely confounded by some of our "authorities" with Lyme Regis, in Dorsetshire, was not only a centre of commercial activity, with two markets a week, but was favourably distinguished by its ancient and excellent Grammar School, its fine Assembly Rooms, recently erected, and a provincial society, which from old advertisements and "fashionable announcements" seems to have enjoyed with unusual zest the amenities of the ballroom and the conversazione; while musical entertainments of the highest merit were furnished to a wide circle of his acquaintance by so eminent a virtuoso as Dr. Burney.¹

The holding of the Mart (under an ancient private statute of Elizabeth), proclaimed, as we have seen, on the day of Eugene's appointment, was the occasion of much festivity, and on 11th February, 1758, the *Ipswich Journal* advertises that—

"LYNN MART ASSEMBLY

"Will be held by Mrs. Eastland at the Town-Hall on Monday, the 20th of February. Tickets to be had of Mrs. Eastland at Mr. Harris's Boarding School. Price 2 shillings and sixpence."²

The Grammar School was at this time carried on, says the late Mr. E. M. Beloe, in the beautiful "charnel chapel, which

¹The *Norwich Mercury*, 18th August, 1753, announces that "Mr. Burney's Subscription Concert will be held at the Town-Hall on Tuesday, the 28th August, at Seven o'clock in the Evening: After which there will be a Ball. Tickets for non-subscribers to be had at Mr. Burney's house at Lynn. Price 3 shillings."

²Harris was more devoted to Terpsichore than to the graver Muses, and on 22nd August, 1758, advertises a "Scholars' Ball for the 25th.—Tickets 5 shillings each." Mrs. Eastland kept a young Ladies' Seminary, and her Misses presumably "chased the glowing hours" with Harris's Scholars on this occasion. *Ipswich Journal*, 22nd August.

The School in 1758.

stood where the Shambles and reading-rooms now are, on the Saturday market-place," and was next St. Margaret's Church.³ According to the recollection of the Rev. A. Fitch, a scholar at the Grammar School, early in the nineteenth century, the schoolroom stood over a butcher's shambles, a most unsuitable spot, upon the Saturday market-place, and consisted of one room, with a small closet for books, &c., and as a "withdrawing-room" for the master or his usher, on that side of it furthest from St. Margaret's Church.⁴ This room sufficed for the accommodation of the scholars, who mostly lived at home, the few boarders being received at the master's house, which, according to Fitch, was in a street opposite to the Tower, 700 yards or so from the schoolroom. The room above the shambles continued to be used as the schoolroom until 1779, at least, and Fitch says that the Corporation built a new one in his time, apparently some years later. The master at this date was Mr. John Knox, at a salary of £60 a year and a house, where he took such boarders as there were. This worthy man resigned in September, 1760, and Mr. David Lloyd was elected master "in the place of Mr. John Knox, resigned," at a congregation held on the 29th September in that year.

Of the pupils there we have some knowledge, and of the nature of their studies we can form an opinion from this interesting paragraph, in the issue for 21st April, 1759, of the *Ipswich Journal*—

"LYNN, April 7th, 1759.

"On Tuesday last was perform'd at St. George's Hall, by the Young Gentlemen of the Grammar School the 'ADELPHI' of Terence to a numerous audience, with very great and deserv'd Applause."

Aram was then languishing in gaol, after his respite from the March Assizes, but it is very probable that a Latin play was then an annual custom at the school, as it has long been at Westminster; the imperfection of the old newspaper files has proved an obstacle to my tracing any further such performance. It is pleasant to think that in the eighteenth century, as in our own, small boys, who imperfectly understood what they said, wrung plaudits from their sisters, their cousins, and their aunts who did not understand at all!

Of individual scholars at Lynn under Knox and Aram we are not without information. One James Burney, son of Dr.

³ *Lynn News*, 18th June, 1898.

⁴ In a letter to the Rev. F. W. Joy, penes Mr. E. M. Beloe, Junr.

Eugene Aram.

Burney, and brother of the authoress of "Evelina," who rose in later life to be rear-admiral and a great authority on whist, entered the school at a very early age, and long professed to retain recollections of the melancholy and brooding usher. "The late Admiral Burney," wrote Hood in his preface to the "Dream," "was a scholar at the school at Linn . . . where Aram was an Usher, subsequent to his crime. The Admiral stated that Aram was beloved by the boys, and that he used to discourse to them of murder, not occasionally, as I have elsewhere written, but constantly and in somewhat of the spirit ascribed to him in the poem."⁵ "It is probable," comments Mr. Austin Dobson, "that there was more accepted tradition than positive experience in these memories, since James Burney can only have been a little over eight years old on the memorable night in August, 1758, when"—

Two stern faced men set out from Lynn
Through the cold and heavy mist,
And Eugene Aram walked between
With gyves upon his wrists.

The editor of the "Diary of Fanny Burney" (Bell, 1889) varies this slightly by relating that James Burney would in after life retail "how the gentle usher paced the playground at Lynn arm in arm with one of the elder boys, talking of strange murders, and how he himself shuddered on seeing Aram taken to prison (he was taken to a post-chaise) with handcuffs on his wrist."⁶

So common has the poem made this tradition that some writers have been led into the belief that Aram virtually "gave himself away" in this manner.⁷ So little consistent with what we know of Aram's extreme reticence about his "affair," as he calls it, is this notion, that it is gravely to be doubted if there is a word of truth in the Burney tradition. The most recent of our "authorities," Mr. T. H. S. Escott, in his "Edward Bulwer," renders it supremely ludicrous by solemnly telling us that "the whole account of Eugene Aram's relations with the Lester family in the romance was taken word for word, fact for fact, from Burney's notes." He refers to an authority for this, which does not bear him out at all, viz., the preface to the "Dream" in Moxon's edition of Hood, II., 283—a

⁵ Burney was a day-boy, A. Dobson "Mme. d'Arblaye" vi., 421; Gls 37.

⁶ p. 57.

⁷ A. H. Norway—"Highways and Byways in Yorkshire" p. 308; Wharton and Stillé, vol. i., § 813, remarking that Hood's poem is "a paraphrase of the evidence on the trial." Mr. Frankfort Moore assumes the little boy to have been James Burney, and the book upon which he pored Gessner's "Death of Abel" (published in 1758). See "The Keeper of the Robes" (1911), pp. 33-34., and *The Leisure Hour*, vol. xlv., p. 47.

A Benevolent Murderer.

mere reprint of Hood's original preface just quoted. The idea of a small boy of eight chronicling in his copy-book the flirtations of an indigent usher, the father of six surviving children and fifty-four years old, with a wholly mythical young lady of beauty and fashion, is too exquisite to be buried in the oblivion that such twaddle might, by the mere student, be deemed to deserve.

"Such were the facts," adds our biographer, "not sought out by Bulwer, but forced upon him."

There may be some slight ground for identifying the novelist's paternal grandfather with Rowland Lester;⁸ there can be none for supposing that the starveling usher was permitted to court the first Baron Knebworth's aristocratic aunt. A curious volume, published at Norwich shortly before Aram went into Norfolk, may have come into his hands and occasioned those traditional discourses on murder as a fine art, which go to make up the legendary Aram of to-day. It has a strange title page, commencing—

A WARNING PIECE

against the

Crime of MURDER

or

An account of many extraordinary and Providential
Discoveries

of

SECRET MURDERS

Published and sold by - - - W. Chace, Norwich.⁹

A more established tradition is that of Aram's habitual kindness to the boys under his care; a gleam of goodness in this sinister and repellant character, which shines all the more for the surrounding blackness.¹⁰

"Cergiel," writing to the *Gentleman's Magazine* for September, 1837, says at page 218 that—

"In the month of March, I was in Wisbeach, and happening to hear that an old woman in the almshouse had been present when Eugene Aram was arrested in the year 1757 (sic), I paid her a visit. She informed me that at the time of his being arrested she was a girl of eleven years of age; that he was put into a chaise handcuffed, and

⁸ Escott, p. 10.

⁹ Advertised in the *Norwich Mercury* in 1753.

¹⁰ Cf. Simpson's "Phrenological Report" *post p.*

Eugene Aram.

that the boys of the school were in tears; that he was much esteemed by them, having been used to associate with them in their play hours. Perhaps as usher, this was part of his office. I merely give her words."

More particulars from the recollections of this worthy, Mrs. Beatley by name, will follow in their place.¹¹

Lytton, in the preface to the 1840 edition of the novel, confirms this favourable view of the usher's outward deportment, but anything he states is greatly to be discounted by his indefensible employment of much obvious fiction in the guise of historic fact. "It so happened," he wrote, "that during Aram's residence at Lynn his reputation for learning had attracted the notice of my grandfather—a country gentleman living in the same county, and of more intelligence and accomplishments than, at that day, usually characterised his class. Aram frequently visited at Heyden (my grandfather's house), and gave lessons, probably in no very elevated branches of erudition, to the younger members of the family."¹² This I chanced to hear when I was on a visit to Norfolk, some two years before this novel was published, and it tended to increase the interest with which I had previously speculated on the phenomena of a trial which, take it altogether, is perhaps the most remarkable in the register of English crime. I endeavoured to collect such anecdotes of Aram's life and manners as tradition and hearsay still kept afloat. These anecdotes were so far uniform that they all concurred in representing him as a person who, till the detection of the crime for which he was sentenced, had appeared of the mildest character and the most unexceptionable morals. An invariable gentleness and patience in his mode of tuition—qualities then very uncommon at schools—had made him so beloved by his pupils at Lynn that in after life there was scarcely one of them who did not persist in the belief of his innocence."

From the indefatigable Scatcherd, from E. H. Barker,¹³ and from the late E. M. Beloe,¹⁴ we further learn that Aram was in the habit of visiting the rector of Gaywood, who appears from the account of his nephew, Richard, to have been Samuel Beatniffe (although from Scatcherd, who in 1836 was in correspondence with Barker on the subject, one would not have

¹¹ She died in 1838, aged ninety-one.

¹² Escott states that they were the daughters of the Justice—and so Bulwer's aunts. Escott identifies the grandfather with Rowland Lester. So Madeline must have been one of these little children—a sufficient refutation in itself of his silly story of young Burney's notes.

¹³ "Literary Anecdotes," (Lond.) J. R. Smith, 1852, pp. 35-42.

¹⁴ *Lynn News and County Press*, 18th June, 1898.

Friends and Fair Pupils.

gathered this, and Mr. Beloe speaks of the rector as "Arch-deacon Steadman").

Aram, it seems, "scraped acquaintance" with the rector, and was in the habit of meeting young Richard Beatniffe, afterwards a bookseller and publisher in Norwich, author of "The Norfolk Tour," and at this time bound apprentice to one Hollingsworth; it is to this youth that we are indebted for some glimpses of Aram, which are curiously at variance with the accepted tradition of the sedate propriety and monastic solitude of the scholarly recluse, whose lighter occupations consisted in talking murder to small boys and in removing with caressing finger the unlovely worm writhing on the garden path. From these glimpses I now cull the following:—

"He was about five feet eight in. high, remarkably straight-limbed, and well-made; and I have heard him (Barker prints 'them') say that when young, he could wrestle with and throw any man he ever met." This account is in conformity with the description of the skull, in the catalogue of the R.C.S. Museum,¹⁵ but it is remarkably at variance with the subject's own description of himself in 1759 as he was fourteen years earlier—"I past the vigour of my age, feeble and valetudinary—so macerated, so enfeebled, that I was reduced to crutches." Quite the "feeble man and old" of the poem—more likely to be a victim than an assailant!

Another clerical friend, besides Samuel Beatniffe, was the Rev. Mr. Weatherhead, vicar of Heacham, who lived at Ingendsthorpe, and had two sons at school under Aram; it is said that Eugene spent the winter vacation of 1758-9 as the guest of this worthy man.¹⁶ If he, indeed, went down to Lynn at the beginning of December, this may have been so, but his association with the school seems not to have begun till the New Year, and it is more probable that the visit took place in the summer, if, indeed, it happened at all.

Some female pupils beside the Bulwers Aram also taught out of school hours, for a Miss Lidderdale was an Elöise to our Abelard. She was the only daughter of Dr. Lidderdale, "a man of uncommon acquirements and extensive learning," and was herself "an extremely amiable and accomplished lady"; she died in 1787, and was now probably of the age of Abelard's immortal pupil at the commencement of their love.¹⁷

¹⁵ The mastoid processes of the skull show the subject to have been muscular, like his neighbour Thurtell; much developed mastoid processes are said by Lombroso to indicate the homicide; see also A. Debierre "Crane des criminels," 121. They correspond with the bumps of combativeness and destructiveness of Phrenology.

¹⁶ The Rev. A. Fitch doubts this and says that Weatherhead was Rector of Babingley.

¹⁷ Richard's "History of Linn" (1812) p. 1040; Cf. Barker. Eloise was eighteen.

Eugene Aram.

Possibly the erudite rascal paid her some gallant attentions, later furbished up into the romance of Madeline Lester; but, as we have reason to think that his salacious nature did not suffer him to dwell alone "in solitary sanctity" in his lodging, his attentions must have been masked from his mistress as carefully as she was concealed from his fair pupil.

Of other scholars at the school, beside those mentioned, one was William Davy, for Barker tells us that "The Rev. William Davy, brother of the Rev. Dr. Davy, master of Caius College, Cambridge, was on the playground when Aram was arrested."¹⁸

It here becomes necessary to examine a tradition which has gained a very wide currency, but is nevertheless devoid of all likelihood, that Aram, in his early days as usher, designed to rob the master of the whole of the term's fees. The legend has two main forms. One indictment lays the offence as an attempt to rob David Lloyd; the other as an attempt on the coffers of John Knox. The first version was originally formulated in the *Literary Gazette* for 21st January, 1832, in these terms—

"At Lyun the character of Aram was, until his apprehension, unexceptionable; but after that event circumstances were called to mind which seemed to indicate a naturally dark character; but whether these were all strictly founded in truth; or magnified suspicions, arising from the appalling circumstances of the crime, of which he was convicted, I am unable to determine. The following, being derived from unquestionable authority (having been related by Dr. L——, who was Master of the Grammar School at the time) may serve for an example:—

"It had been customary for the parents of the scholars, on an appointed day, to dine with the Master, at which time it was expected they would bring with them the amount of their bills. It was late at night, after one of such meetings, that Dr. L—— was awakened by a noise at his bedroom door; he rose up, and, going into the passage, which led into the staircase, but which was not in the direct way from Aram's bedroom to the ground floor, he discovered the Usher dressed. Having questioned him as to the object of his rising at that unseasonable hour, Aram confusedly answered that he had been obliged to go down—

¹⁸ Barker recorded this fact, with the others mentioned in this chapter as the result of a conversation with Captain Davy, R.N., at dinner at "Kilverstone" on 4th September, 1832: Scatcherd, Beloe and others, to the same effect, merely repeat Barker, who gave Scatcherd licence to publish his memoranda years before he did so himself. Some additional matter is to be found in MSS. of the late Rev. A. Fitch. Dr. Davy was born on 28th January, 1762, and did not go to the school till 1770.—per Fitch.

An Unfounded Charge.

stairs. The Doctor then retired unsuspectingly to bed. From the combined circumstances, the worthy Doctor, in later years, had no doubt that, from its being known to Aram that a considerable sum of money was in his bedroom, Aram intended nothing less than to rob him; 'and, no doubt,' continued the narrator, 'he would have murdered me too, if it had been rendered necessary from my discovering and opposing him.'"¹⁹

We can dismiss this charge at once with the remark that David Lloyd was not at Lynn at this time; nor did he, as we have seen, succeed Knox until September, 1760. It now becomes necessary to dispose of the other version, which comes to us in various forms, on the authority of the late E. H. Barker, Scatcherd, in his "Gleanings," merely anticipating him in the publication of his jottings; in a measure, too, Fitch supports this latter charge.

"I remember," narrates the possibly biassed Richard Beatniffe, "to have heard Mr. Knox, Master of the school at Lynn, say, after Aram's arrest, that at a Christmas vacation, when he had taken a considerable sum of money of his boarders, Aram, one night, came softly into his bed-chamber, and on Knox asking him what he wanted, he replied he came to tell him something about the housekeeper, Mrs. D—d, to which Mr. Knox observed that that was an improper time and place, and angrily ordered him to go away, which he did."

"J. T. H." places the incident at a rather later date, for it is "soon after the boys had returned from the holidays." "The Rev. S. A."²⁰ of Lynn, is emphatic that it was Knox who was then principal, "and I well recollect to have heard from Mr. Turner, who was Mayor of Lynn in that year" (he was not; Benjamin Nuthall was; Turner was elected Mayor on 29th August, 1759, per *Read's Weekly Journal* of 8th September, 1759) "that Mr. Knox described his alarm at being awaked by finding Aram in his bedroom; and that the answer was so confused as not to be quite satisfactory, though he did not appear to have apprehended a guilty intention, and if he had just received the amount of the boys' bills, this must have occurred to him."

"Mr. H." (Howes) called on the Rev. "S. A." when he was inditing the above, and he, having been a pupil under Lloyd, stated that "he remembers an old gentleman, a visitor to his mother, who was housekeeper to Knox (Mrs. D—d?), when

¹⁹ Cf. "Mem.", 55; 1st Ser., N. & Q. ii., 360. The Rev. A. Fitch, writing to the Rev. F. W. Joy, describes this story as "perfect bosh." No such dinner to parents took place in Dr. Davy's time at the school, 1770—?

²⁰ Beloe tells us he was Stephen Allen, vicar of Linn, four years old at the time of the murder. His mother married Dr. Burney.

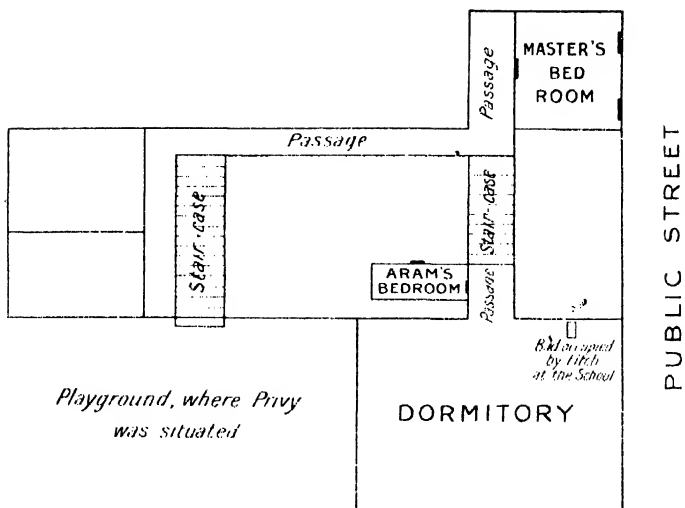
Eugene Aram.

Aram was arrested. He believes the circumstance of his being found in the chamber was correct." "The Rev. J. H." is more confident yet! "He was certainly in Mr. Knox's bedroom at two in the morning. The room is divided from Aram's room by a staircase on the opposite side. They are about ten yards apart. After this occurrence, he had very strong fastenings put to his chamber, which are still there. There was a considerable sum of money in Knox's hands at the time." Yet another parson has it thus—The Rev. Mr. Spurgeon, of F——, in Norfolk, says that—"When residing at Lynn, Aram was found opening and examining the drawers in Mr. Knox's bed-chamber; and when disturbed, affected to wake suddenly, and excused himself on the pretence that he was subject to walk in his sleep."

This exhausts the published versions; it remains to notice the letters of Mr. Fitch in reference to it. He was at the school long after Aram had left it, but was intimate with Dr. Davy, whose brother was "on the playground when Aram was arrested." It was from the doctor that he derived most of his information. "Now, as regards the suspected attempt at robbery," he writes—"in those days the boys were accustomed to bring back after holidays the amount of their school bills in hard cash, deposited in the master's bedroom, which also contained pens, ink, copy-books, &c., for school use. Early one morning, soon after the pupils had returned, the Master heard some one in his bedroom, and asked, 'Who is there?' Reply, 'Me, Eugene Aram' [we may be sure that he was not so regardless of grammar]; 'I only want a fresh pen.' As he was a great writer, the Master thought no more about it, but when his Usher was arrested for murder, the Master was so impressed with the idea that Aram came intending to murder and rob him that he at once had put on his bedroom door ponderous iron fastenings; these I have often seen. . . . The Master's room was upon the right-hand side in a passage, Eugene Aram's bedroom at top of a flight of some twelve stairs, and, of course, most easy of access to the Usher." In a subsequent letter he repeats the same statement about the boys bringing the school fees back in their trunks on return from the holidays, and encloses a rough plan of Knox's house. This is here reproduced.

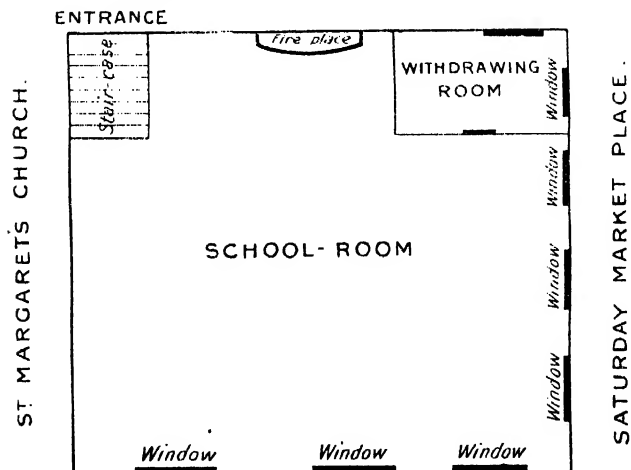
Not one of these old wives' tales will bear a critical scrutiny; thus the allegation that the incident occurred during a Christmas vacation is met by the contention that Aram was never at Lynn school during such a vacation;²¹ the Corporation Hall book brings him there some time after 6th January, and probably he only arrived to take up his new duties with the

²¹ He is, indeed, stated in *Lloyds' Evening Post or British Chronicle* to have gone to Lynn early in December.



Plan, after Fitch, of Mr. Knox's House, showing relative positions of Rooms and Staircases.

SATURDAY MARKET PLACE .



Plan of School-Room, above the Butcher's Shambles, after Fitch, showing Withdrawing Room, where Aram was apprehended.

Aram the Anchorite?

commencement of the term about the date of his appointment; moreover, if the boys brought back the fees on returning, there would have been nothing to steal until the vacation was over. It is impossible to state with any certainty when the new term began; if young ladies' seminaries can afford a clue, it may be noted that on Saturday, 9th February, Mrs. Goodwin announces in the *Ipswich Journal* that on the 11th she intends opening her boarding school for young ladies at Diss. There were but two terms and two vacations a year at Lynn school at this time, according to Fitch, and thus the new term probably began a good deal later than is customary nowadays. It hardly seems likely that Knox should have troubled to have the irons put on the door when Aram was safely under bolt and bar in York Castle; a possible explanation of the legend is that John Birkes was summarily dismissed for the attempt, which posterity has chosen to fix upon his notorious successor.

There remains another slur upon Aram's character during his stay at Lynn. It is said that a young woman was living with him at this time. Thus speaks Richard Beatniffe hereon:—

"I knew Aram well when he was usher to Mr. Knox, who kept the free school at Lynn in 1758. What he asserted in the paper left upon the table the night before his execution was not true, for he brought a young woman to Lynn, whom he pretended to be his niece, and lived with her upon most intimate terms in defiance of all his boasted purity; for when the constables took him and conveyed him to York this woman proved to be his mistress only, and no relation. He was then fifty-four years old, and she not above thirty."

Scatcherd says as to this—

"Yes! Aram did, indeed, bring a young woman with him to Lynn. . . . But who was this beloved female? Why, his own daughter, Sally, to be sure. . . . But why did he represent her as his *niece*? Why, evidently to avoid those inquiries which would have ensued had he called her his *daughter*, and that scandal which would have arisen if he had not claimed her as a near relative. Besides this, she was, as old people have told me, his express image in person, in demeanour, and in taste; so that suspicions must have arisen . . . had he introduced her in any other character than that of his 'niece.'"²²

²² Gls. 31; Bell, 63-4, also says that the girl was Sally; it would not seem, from Beatniffe, that Aram slept in Knox's house, and he says nothing of the supposed attempt to rob. Years later, a woman offered Bishop Percy, and, after, Dr. Lort a manuscript of Aram's; might not this have been his Lynn fair one?

Eugene Aram.

It is difficult to know what to make of this. If Beatniffe is to be believed, there was a scandal, at least upon the arrest. He was in a far better position to know than either Bell or Scatcherd, and I am inclined to think that Aram visited his inamorata in a very stealthy manner in the small hours of the morning at a baker's shop, where he had procured her a lodging.

A possible solution is afforded by the horrible suggestion in the York pamphlet, which Scatcherd, in replying to its strictures in general, studiously omits to notice, and which I will briefly indicate "in the decent obscurity of a learned language"—*narrat, enim, libellus ille Eboracensis Eugenium cum filiâ suâ in stupris monstruosis esse volutatum, et inde liberos habuisse, setael, forte etiam sæpius*. This odious charge also offers an explanation of what may be meant by a Lynn writer, who speaks of "the horrid flagitiousness of at least one part of his life,"²³ a passage which can hardly be taken as a reference to the act of murder. A man, who had always treated "silly reflections on his faith and morals" as things indifferent to him, and had not stopped at murder, was hardly likely to shrink from the commission of an offence at that time only the subject of ecclesiastical censure, and that but nominally!²⁴

The accounts we have of Aram's personal characteristics at this time, while not wholly harmonising, agree in representing him as to a considerable degree furtive and apprehensive. Mrs. Beatley told "Cergiel" that he always wore his hat *bangled*, which she explained to mean "bent down, slouched." "In 'Bailey's Dictionary,'" continues "Cergiel," "I find 'bangle-eared, hanging down, flag-eared.' One remark she made, which I think very interesting and worthy of record. She said that it had been observed that in looking behind him he never turned his head or his person partly round, but always turned round at once bodily. I give you her very words. Has any poet, any observer of nature, ever depicted this instance of fear mustering up resolution?"²⁵

This "flapped hat," together with Aram's "gloomy aspect and frequent, melancholy, lengthened turns in the garden of the schoolhouse, which were long remembered," also recurred to the memory of Knox's housekeeper.²⁶ "He seldom," wrote

²³ Richards—"History of Linn," 1142, note.

²⁴ Cf. Stephen—"History of English Criminal Law," II., 430.

²⁵ *Gentlemen's Magazine*, 1837, p. 218. Mr. E. M. Beloe, in 1898, wrote "The only tradition I remember was the habit of Aram of turning his head frequently over his shoulder, and looking back, as if someone was following him . . . and his solitary walks in the country." This is hardly consistent with Mrs. Beatley's version.

²⁶ Barker; *Gla.* 37.

A Melancholy Man.

Beatniffe on the fly-leaf of his York pamphlet, "appeared in the public and most frequented streets, but walked in the fields adjoining to Lynn by himself, muffled up in a horseman's great coat and a flapped hat." "I believe," says the same authority, "that he had been miserable from the time of Clark's death, for when at Lynn he carefully avoided that sort of company, for which his abilities eminently qualified him; nor can he be said to have associated with any company, making it his daily practice to rise very early and go to a baker's office, near where he lived, and stay there until it became necessary for him to attend in school."

These remarks were written by one born about 1744 or earlier. They must have been set down long before Hood's poem, nearly ninety years later, gave to the world that imperishable picture of the usher, who—

. . . sat remote from all,
A melancholy man.

They need the qualification that Aram certainly knew the Rev. Samuel Beatniffe, the Rev. Mr. Weatherhead, Dr. Lidderdale, whose daughter he taught, the Bulwers, if only in his professional capacity, and the Davys, of Mileham; further, we are informed by Fitch "that I have heard him [*i.e.*, Dr. Davy] say that E. Aram's society was in great request, and he received every possible kind attention and hospitality from the neighbouring squires and clergymen." His peculiar appearance was recalled by "J. T. H.," who had heard his mother speak of it. "Aram seems to have been justly described as a man of loneliness and mystery, as solitary and cheerless in his rambles. Whether his wonderful talents were really appreciated in this neighbourhood I have no means to ascertain. . . . A very intelligent lady [*i.e.*, Miss Lidderdale] has often mentioned to me that she was instructed by Aram."²⁷ Even at Knaresborough Scatcherd learnt "he was a complete recluse, or, if seen abroad in an evening, he was always alone, and appeared lost in meditation." Yet, as the bitterly inimical York Pamphlet states, here, too, he was treated by the gentry more as one of themselves. There is probably truth in both points of view, and that his solitariness was not the result of lack of acquaintance, but arose from that ingrained love of solitude so common in scholars, so impenetrable to those who cannot make real

²⁷ The Rev. S. A.—*Cf.* Barker. He was Stephen Allen, vicar of Lynn, per Beloe. His widowed mother married in 1761 Dr. Burney then a widower. *Cf.* "Memoirs of Dr. Burney," ii., 130, whence it appears that she was literary. This lady came to know Johnson. Birkbeck Hill's "Boswell" iv., 208.

Eugene Aram.

friends of books, and suppose their companionship a sorry substitute for that of men.²⁸

But that which he had all along apprehended was soon to break upon these peaceful days. The secret of the hermit's cell had been brought to light! Clark, long outlawed, was well-nigh forgotten, but—

. . . though he's buried in cave
And trodden down with stones,
And years have rotted off his flesh,
The world shall see his bones.

The discoveries of two skeletons on either bank of the Nidd, which led to Aram's apprehension, will be related hereafter. It belongs here to explain how he was traced and arrested, and here, again, are the inevitable discrepancies in the testimony. Miss Lidderdale wrote the following in her copy of his "Life and Trial":—"He was recognised by a person from Yorkshire while on a visit at the Rev. Mr. Weatherhead's at Heacham during the vacation at Mr. Knox's school at Lynn." "In June, 1758," says Beatniffe, "he was accidentally discovered at Lynn by a man who came out of Yorkshire with a stallion, and from the information he gave when Houseman was apprehended Aram was arrested." "Aram was staying with Dr. Weatherhead and working with him in his garden during the winter vacation on a very cold morning, chiefly to keep themselves warm, when a horse dealer from Yorkshire presented himself and asked to look at a horse which Dr. W. had to sell. The horse dealer observed that he knew the gentleman who was working in the garden over the hedge, that his name was Aram. 'Yes,' replied Dr. W., 'it is.' The horse dealer said nothing, but when he returned into Yorkshire he reported the circumstance, and a warrant was sent for his apprehension."²⁹ The warrant, be it noted, was not sent till a late day in August!

Fitch has a different version. According to Dr. Davy, "Eugene Aram was much noticed by the squires and clergymen, whose sons or relatives were pupils under Aram. On one occasion he was staying with Mr. Davy of Mileham (the birthplace of the great lawyer Coke), and in walking in the park, a string of horses for sale, in charge of a Yorkshireman (near Knaresborough)³⁰ came up to the squire; the man knew Aram and spoke to him, but Aram ignored him *in toto*; the

²⁸ We can scarcely imagine Aram delighting much in the Squire Westerns of the neighbourhood. His preference for his own society is avowed in his letter to Collins.

²⁹ Per Captain Davy, R.N.

³⁰ Sic.

Aram Arrested.

man's dignity was offended, and after the discovery of Clark's bones, when an inquiry as to Eugene Aram's whereabouts arose, the man told when and where he had seen him—hence his arrest at King's Lynn."

Bell varies the circumstances a little by saying that it was not known, even when it was decided to arrest Aram (*i.e.*, after 15th August), where he was "till a man, who had formerly lived in the neighbourhood of Knaresborough, and who then travelled about the country with a stallion, happened to be in the town, and hearing Aram's case mentioned, said he had seen that man lately at Lynn . . . and added 'but he was too proud to speak to me.'"

The rapidity with which the arrest was effected is proof that the constables knew perfectly well where to go, on being entrusted with their warrant, and the occupation of the Yorkshireman makes it probable that the recognition took place in the summer. The warrant issued by Thornton directed John Barker, cordwainer, and Francis Moor, hatter (we can find nothing to indicate that Ernest Day, as stated in the *Gentleman's Magazine* for 1836, at p. 677, was one of the party, much less Houseman, as that periodical alleged at the time), to Sir John Turner, Bart., J.P., and M.P. for Lynn; he further ordered them to call at every post office on the road and inquire for letters directed to Aram. They did so, and found one in which was written, according to Bell, "Fly for your life, you are pursued." Feigning to be cattle dealers, Barker and Moor, on arriving at Lynn, inquired of the landlord of an inn "'If there was not a school there, which was in great repute, and what was the name of the usher,' to which he answered 'Mr. Aram,' and gave both the master and usher the best of characters."

Sir John Turner, to whom they were directed, endorsed the warrant for the county of Norfolk, and either he or his brother Charles accompanied the constables to the schoolhouse and asked for the usher. Beatniffe is alone in saying that the arrest occurred at Mr. Knox's house, which was some half a mile distant. Some doubts having been expressed as to the exact spot where the arrest was effected, it may suffice to say that Eugene's own assertion upon the trial, on this not very material point, is confirmed by the impressions of Fitch's school-fellow. "My old school-fellow," he says, "fancies that Eugene Aram was arrested in a room adjoining our old schoolroom" (*i.e.*, the one previously described as a withdrawing-room). At the trial Aram asserted that, to the best of his recollection, he was arrested in a room adjoining the school-room.

His behaviour, on appearing in answer to the inquiries, was

Eugene Aram.

such as must have gone far to hang him. Ignorant observations having been made as to the evidence as to the arrest, given by the constables at the trial, it may be as well to point out that the behaviour of a person on arrest, what he said, or what was said to him, or in his presence, has always been legal evidence. Aram's conduct was such as consisted with nothing but the consciousness of guilt. He pretended to know neither Clark nor Knaresborough, nor Barker, a fellow-townsmen, until his evident confusion made it impossible to maintain appearances any longer, and he admitted, in a faltering manner, knowing all three. He admitted knowing St. Robert's cave, and to the officer's improper comment, "Aye to your sorrow," he returned no reply. Mr. Knox, Scatcherd tells us, was unwilling to let Moor and Barker take his usher until he was made to understand the great gravity of the charge. The boys, as Mrs. Beatley afterwards related to "Cergiel," were in tears at the catastrophe. Young William Davy was there, and also James Burney, the youthful chronicler of Aram's passion for the mythical Madeline. The opportunity of having what in stageland is termed a "general rally" for the penultimate act in the tragedy was not to be resisted, and every one connected with Aram at Lynn has been brought on to the scene to witness the arrest, not excepting the heartbroken Madeline, who is made to accompany our hero in the chaise! While I cannot speak with certainty, my investigations indicate that any date between the 17th and 20th of August was probably in the summer vacation, when Masters Burney and Davy were in all likelihood nowhere near the spot where Eugene was handcuffed.³¹ However that may be, no Madeline or other beauteous fair accompanied the manacled usher on his journey to Yorkshire. That a female was left behind, Beatniffe explicitly states. Whether this was Sally we have already speculated and shall consider again. Aram conversed with his captors in the chaise on the feeling about him at Knaresborough, and as they passed the gibbets at the cross-roads the prisoner was visibly perturbed at the sight of the grisly anatomies as they rattled and gyrated in their iron suits.³²

³¹ Abingdon Grammar School broke up on the tenth of August or earlier, the breaking up dinner being on the 7th. Candidates for the ushership were to apply on the 7th September, 1758 (*Jackson's Oxford Journal*, August 5th and 12th). Lavenham School held a breaking-up dinner on 14th August. (*Ipswich Journal*, 29th July, 1758.)

³² *Y.P.*, pp. 51-52.

CHAPTER V.

The Finding of a Body on Thistle Hill—John Theakston Holds an Inquest—Verdict Thereat—A Second Inquest on the Corpse on the Same Day—Verdict—William Thornton takes Informations and Arrests Houseman—The Duties and Functions of an XVIII. Century Justice—Inquisitorial Methods—Houseman's Two Examinations—The Remains Discovered in Saint Robert's Cave—The Final Inquest and Verdict.

WE are now obliged to travel back about three weeks to the first of August, 1758. On that day a labourer, William Thompson, by occupation, as appears from his recognisance, a sweep, was digging for stone to supply a lime-kiln at a place called Thistle Hill, overlooking Knaresborough. Having dug at the edge of the cliff, near "the rock," he struck with his pick some human remains; these turned out to be an arm bone and what Thompson termed a "splinter bone." His pick broke both these bones. They were not, as has been represented, interred in any box, but lay in the ground.

Thompson returned to the spot on Thursday, the third of August, and dug anew in the same place. He now found the remainder of the skeleton of a human being; there were several teeth in the jaws, and the body appeared to have been bent double. The news quickly spread over Knaresborough, and Philip Coates, the prosecutor in *R. v. Aram* was told of the discovery the same day. Yet it was not till the twelfth of the month that John Theakston, the coroner for the West Riding, opened an inquest, the remains having been meantime viewed, on the fourth, by two surgeons.

He summoned a jury of thirteen at the house of Henry Mellor, in Knaresborough, and proceeded to take evidence. Thompson proved the discovery as described, adding, quaintly enough, "that the person had been murdered he verily believes." John Yeats, a barber, followed, who said that, going over the spot where the remains had been found, nigh Candlemas, thirteen or fourteen years ago, he had observed a place fresh dug up, and that it was the same as that where the body was found. He was confirmed herein by Barbara Leetham, a widow, who added that she passed the spot one morning, about Candlemas, thirteen or fourteen years before, and then noticed that there was a place dug up which had not been so dug when she had passed the spot the previous night,

Eugene Aram.

and that the earth "had been filled up in a careless manner." Bryan Hardcastle, Stephen Latham, and William Tuton¹ gave the same evidence that they repeated later Tuton mentioning the finding of his pick at Aram's house, a detail he omitted to the magistrate.

Anna Aram gave the like evidence as at the subsequent proceedings, concluding that "she does believe him (Clark) to have been murdered by her husband and Richard Houseman." Philip Coates also gave his evidence, more briefly than at the inquest on the eighteenth, concluding that as "no person either in Knaresborough or the neighbourhood had ever been missing in his time, he had great reason to believe they are the remains of Daniel Clark."

William Higgins and Aaron Locock, the surgeons, were next questioned touching their examination of the remains on the fourth. Both seem to have assumed, as they did later on, that the bones were those of Clark. Higgins began "that he very well knew Daniel Clark," &c. Both opined that the body was that of a young person, twenty-three years of age—Clark's precise age, as they were well aware—and that breaking a thigh bone they found it "fresh," whence they concluded that it had lain in the ground about thirteen or fourteen years, having been interred double. Upon this, with much circumlocution, the jury found that "some persons to them unknown moved and seduced, &c., had murdered the person, whose skeleton it was," and that "from all apparent circumstances, the said skeleton is the skeleton of Daniel Clark."

On the strength of Anna Aram's testimony, Houseman was now taken to view the corpse, of whose murder he was suspected. The belief that a murdered body would in some manner accuse its murderer was still prevalent, as appears, not only from the curious "Warning Piece against Murder," published in 1752, but from the "State Trials" themselves, wherein we read that so late as 1727 the guilt of one Howatson was presumed from his refusing to touch the remains²—the notion being that they would sweat blood or otherwise make manifest the presence of the guilty. Houseman, then, being desired to take up a bone of the dead, discovered great alarm and confusion; it is said, though no legal record confirms the incident, that he then unguardedly dropped the expression, "This is no more Dan Clark's bone than it is mine." This, as has

¹ Tuton said that the first time Clark called him up, about eleven, he had retired half-an-hour and that Clark's apprentice called him. Why was not this youth called as a witness? Was he dead? Latham said that "Aram had a very great quantity of Clark's goods in his possession."

² 14 St. Tr. 1328. See also "an ancient and grave person's" story at p. 1325.

The First Inquest.

been well observed, exhibits "the involuntary tendency to truth and consistency, except when the mind is on its guard and studiously bent on concealment . . . a law of our nature that sometimes gives rise to unpremeditated acts of great weight."³

Houseman, perceiving that he had committed himself, and in answer to further questions, said that he could produce a witness who had seen Daniel Clark on the road two or three days after he was missing. This witness, one Parkinson, being called, merely proved hearing from another that he had seen some one like Clark muffled up on a snowy day, subsequently to the shoemaker's disappearance. The behaviour of Houseman, while it confirmed the suspicion of his guilt, left it exceedingly doubtful if the remains found were indeed those of the cobbler; accordingly Theakston proceeded to swear a second jury—this time of sixteen—and to hold a second inquest on Thistle Hill itself. Save Parkinson's (which, however, was not reduced to writing, being vouched for only by the reports), no fresh evidence seems to have been taken, and the jury on the same 12th day of August returned a verdict of murder of a person unknown by persons unknown.⁴

Rumour was not long in asserting that the remains were those of a male Jew, and that he had been murdered by Clark, Aram, and Houseman, and that Clark had been slain in a quarrel over the booty.⁵

The coroner reduced his depositions to writing, and informed the Justice, William Thornton, who on the first available day, Monday, the 14th of August, heard the information of Philip Coates and of Anna Aram, who so strongly incriminated Houseman that the justice issued a warrant for his arrest on a suspicion of murder, and he was brought before him at Thornville the same day to undergo his statutory examination. Thornton was a somewhat eccentric character, a sportsman, and a staunch supporter of the reigning dynasty, in whose defence he had, in 1745, raised the "Yorkshire Blues."⁶ A perusal of the examinations of Houseman at once dispels the

³ Wills' "Circumstantial Evidence" p. 121.

⁴ The Thistle Hill inquest was clearly the result of the doubts aroused by Houseman's demeanour. It is indorsed "Skeleton of an unknown"; the other "A skeleton, 1758." This second inquest would appear to have been void, the coroner being *functus officio*. Cf. 2 Hale, P.C. 58; *R. v. White*, 3 E. and E. 137; *R. v. Sanders*, 1 Strange 167; *R. v. Wood*, 73 J.P. 40.

⁵ See *post* p. and Appendix II., p. 172.

⁶ Speight's "Nidderdale," 161. "John Atkinson" has a panegyric on him in the *Gent.'s Magazine*, 1758, p. 538. "J. A." is said to be Eugene Aram. In raising the regiment, Thornton had the assistance of "blind Jack of Knaresbro", John Metcalfe—a character as familiar as Eugene.

Eugene Aram.

oft-repeated story that it was when confronted with the bones on Thistle Hill that Houseman dramatically declared where the remains of Clark really lay. Others, besides Bulwer, have disseminated this error. It will be observed that he said nothing of this until, at the end of his second examination, on the 15th, he admitted a belief that the body of the cordwainer might be found in Saint Robert's Cave. A more explicit statement to Barker followed the next day, but it was not, it seems, until Thursday, the 17th, that the body of Clark was found.

The duties of a justice, unlike those of a coroner, which have changed but little, have been entirely revolutionised since the middle of the eighteenth century. The statutes under which Thornton acted were respectively 1 & 2 Philip and Mary, cap. 13, and 2 & 3 Philip and Mary, cap. 10, which remained in force until Sir John Jervis's Act, in 1848, completely altered the whole character of magisterial inquiries. At this date the duties of a justice were those of a prosecutor rather than of a judge. The office was something like that of the French "Juge d'instruction," that functionary's duty being to collect all the information he could against the accused person, swear the informants, bind them over to appear at the assizes, if he decided to commit, and then on apprehending his prisoner subject him to a series of questions, based on the evidence he had collected. He dealt with the suspect as a person presumably guilty, and was required to examine him fully as to the circumstances of his supposed offence. The degree of hostility with which this was done varied greatly with individual justices; and, in any case, the suspect was in the difficult position of having to make definite replies at a very early stage of the case, which might afterwards much embarrass his legal advisers in their defence. But what was yet harder for him was that he had no right to be present when the informations against him were taken; he was about as much in the dark as a person accused by the Inquisition.⁷ The questions put, as will be seen, might indeed vaguely convey to the prisoner the nature of the evidence of which the Crown was in possession, but they often left it impossible to ascertain definitely the names of the witnesses, and by so doing to search about so as to be able to impeach their credit or capability. Thus about this time Mr. John Barbot, an attorney, had produced against him, on his trial for murder, a fellow said to have been flogged at the cart's tail, but when the witness was placed in the box it was too late to impeach his credit by

⁷ J. A. Park, J., in charging the grand jury in *R v. Thurtell, Hunt, and Probert*, speaks of a magistrate's duties as "Inquisitorial." See the *Times*, 5th December, 1823.

Justice's Justice in 1758.

proving his conviction in the proper manner. Barbot was hanged.⁸

Except in the favoured case of treason, of which the legislators might themselves be guilty, no prisoner knew anything in any official manner of the evidence to be produced against him, although in practice, as Sir John Hawles, Solicitor-General under William III., tells us, the prisoner's friends, attorney, and counsel were allowed access to him,⁹ and he was, except when friendless and destitute, not so much prejudiced as might have been supposed by the apparent harshness of the system, ostensibly directed though it was to keeping him in the dark about "everything which was to be produced in evidence against him."¹⁰

That this was a bad system may be admitted, but that somebody had to act as prosecutor is no less certain, and as no police existed to do it, it fell to the justices. That the justices could perform their duties with humanity and impartiality appears, happily, from several instances. It is most material to observe that the justice who examined a prisoner appeared against him as a witness on his trial, and put in the examination as part of the Crown case, and it often constituted, as it certainly did against Aram, the most damning evidence of guilt.

The tenor of Houseman's first examination (which is printed in full in the Appendix) was that he was with Clark on the night of the 7th of February, 1744-5, between eleven o'clock and some hour in the morning, removing goods from Clark's house to his; that he left him at Aram's house with an unknown person, and came away with a note of the prices at which he was to sell Clark's goods, held as security for a debt the shoemaker owed him. He admitted that Anna Aram came to him in a passion, and demanded money of him, showing him at the same time shreds of burnt cloth, and asking what they were. He denied ever being charged with the murder "till now by Anna Aram." He chose to waive signing this examination, "for he might have something to add to it, therefore desired to have time to consider it."

Next morning Mr. Thornton committed him to York Castle. What follows is given in the language of Bristow's 1759 edition, which substantially agrees with the York Pamphlet, and very fairly conveys the substance of the second examination or confession.

"As he chose not to sign this examination, it was presumed

⁸ 18 St. Tr., 1272, 1292. A.D. 1753.

⁹ Houseman, we shall see, conferred with his counsel.

¹⁰ J. A. Park, J., in the *Times*, 5th December, 1823, p. 2, col. 3 in *R. v. Thurtell*.

Eugene Aram.

that he was conscious he had not declared the truth of the matter, and Mr. Thornton thought proper to commit him to York Castle the morning following. At Green Hammerton, on the road to York, he behaved to his conductors in such a manner as to show that he was concerned in the murder, or knew of it, and that he was desirous of making more ample confession on their arrival at York. Being come to the Minster, in Micklegate, they were acquainted that Mr. Thornton was then passing by. Houseman desired he might be called into the house, and in his presence made the following confession:—

‘That Daniel Clark was murdered by Eugene Aram, late of Knaresborough, a schoolmaster—and, as he believes, on Friday, the 8th of February, 1744-5; for that Eugene Aram and Daniel Clark were together at Aram’s house early that morning (being moonlight¹¹ and snow upon the ground), and that he (Houseman) left the house, and went up the street a little before, and they called to him, desiring he would go a short way with them, and he accordingly went along with them to a place called St. Robert’s Cave, near Grimbald Bridge, where Aram and Clark stopped, and there he saw Aram strike him several times over the breast and head, and saw him fall as if he were dead, upon which he came away and left them. But whether Aram used any weapon or not to kill Clark he could not tell; nor does he know what he did with the body afterwards, but believes that Aram left it at the mouth of the cave; for that seeing Aram do this, lest he might share the same fate, he made the best of his way from him, and got to the bridge end, where looking back he saw Aram coming from the cave side (which is in a private rock adjoining the river), and could discern a bundle in his hand, but did not know what it was. Upon this he hasted away to the town, without either joining Aram, or seeing him again till the next day, and from that time to this he never had any private discourse with him.’”

This examination he signed, saying that it was the truth, and so was committed to the castle. Either next day or on the 17th, he described, it is said to Barker, the position of the body in the cave, with its head to the right, in the turn at the entrance to the cave. And here it was accordingly found on the 17th, and an inquest was held thereon the next day, Friday, the 18th of August.¹²

The York Pamphlet relates that an old woman had meantime informed the coroner that she saw Houseman go into the cave

¹¹ As to the moon, see *ante* p. 172.

¹² J. S. Fletcher says, “This (*i.e.*, the remark about the bones) led to his (Houseman’s) arrest on suspicion of knowing something about Clark’s death. What he revealed to the authorities has never been known.” (1) “Nooks and Corners of Yorkshire” (1911), p. 106.

The Final Inquest.

A few days after the body was found on Thistle Hill, and emerge, first peeping out to see if the coast was clear, and then go and wash his hands in the river Nidd.

The final inquest was opened at the house of Henry Mellor, in Knaresborough, before a jury of sixteen, "touching the death of a person unknown, supposed one Daniel Clark." Here were examined three witnesses—Mary Bransby, Dorothy Clark, and Thomas Barnett. Mary Bransby deposed that Clark came with Houseman at eight o'clock on the night of February the seventh, 1744, to borrow a tankard of her master, Jonathan Locock. He was out. She saw them again about nine o'clock, with Aram, passing the end of Jockey Lane, going towards the Kirkgate, and never saw Clark again.

The deceased's mother, Dorothy Clark, proved that her son went out at nine o'clock on the night in question, saying that he was going to Newell Hall next morning, and that she never saw or heard of him afterwards.

Thomas Barnett, a dyer, deposed to seeing "between twelve and two of the clock," as he was going home from the "Crown," in the High Street, at Church Lane end, a much muffled-up man come out of the passage from Aram's house, who tried to pass him, but whom he recognised as one Richard Houseman. The witness's signature reveals him a tolerable scholar.

Theakston and the jury now adjourned to "view the body," and the rest of the evidence was taken in the presence of the ghastly remains. And whereas the three preceding depositions purport to be taken "touching the death of a person unknown, supposed one Daniel Clark," those which follow are taken "touching the death of one Daniel Clark," until certitude merges into absolute certainty, and Philip Coates and Anna Aram are "examined upon the view of the skeleton of one Daniel Clark, late of Knaresbrough aforesaid, cordwainer, then and there lying dead," and Tuton is examined "upon the death of one Daniel Clark his skeleton then and there being."

The first evidence taken at St. Robert's Cave was that of Bryan Hardcastle, which, like that of the two females, has never before been published. He kept a livery stable, and deposed to having kept Clark's horse at bait. Two days after Clark had disappeared, Hardcastle delivered the horse to one John Holliday, who paid him for his keep. This witness, who was called to negative the theory of Clark's flight, for which the horse would have been so convenient, was bound over in £20 to appear at the Assizes. More material still is the evidence of Stephen Latham, albeit it, too, has never seen the light till now. His deposition traced to Aram's possession a large sum of money, of which no explanation was forthcoming at

Eugene Aram.

any time by Aram, to rebut the inference that it was a part of Clark's wife's dowry. Latham swore to being employed, just after Clark had disappeared, to arrest Aram, who was an intimate acquaintance of Clark, for debt; and that Aram asked what the debt was, and produced upwards of 100 guineas in gold and other large coin; that he knew Aram to be at that time very poor, and that such was his general reputation; that he (Aram) had great quantities of Clark's goods in his possession, as also had Houseman, to the value of £45, which he pretended to hold for a debt. Peter Moor was the next witness, who proved being at Newell Hall, with Mrs. Clark, his mistress, when Clark disappeared, and that Clark had £38 of his, borrowed a day or so before; and that, a fortnight before, he went with his master to Aram's, where Houseman also was; that Aram welcomed Clark and asked if he had his wife's money. Clark replied that he had it—£160. The three then went upstairs and the witness left.

The medical evidence followed next, and its remarkable tenuity, as taken in writing, is very apparent to any one who knows the fulness with which such evidence is given now. But medical jurisprudence was as yet in its infancy, and it was by no means understood that a medical witness must confine himself to scientific opinions only. We find the two surgeons apparently not merely assuming, what was not in their province, that the remains were those of Daniel Clark, but also that a mason's pick had caused the fatal injuries, whereas, according to present ideas, they should have stated merely that the appearances were consistent with that mode of death. Their evidence does, however, establish one thing, in contradiction of all the printed accounts, viz., that the lesion was on the *back* part of the skull; nothing is said of a wound of entry and of another of exit on the left and right sides of the head respectively, although an elaborate defence of Aram has been framed on the supposition that a blow was struck face to face, penetrating the left side of the skull, as might be the case, where a right-handed combatant struck his antagonist: Mr. J. M. Richardson's theory, advanced in the *Leeds Mercury* on 11th November, 1899, is thus seen to be refuted by the positive medical evidence that there was a large fracture of the base of the skull only. This brief evidence indicates rather a heavy blow of a blunt instrument, smashing in the bone at the point of impact, and not the penetrating blow of a pick-axe, such as has been generally described.

Philip Coates, brother-in-law of the deceased, followed the medical witnesses. He had already sworn an information before Thornton on the 14th of the month, and was destined to be the prosecutor in *R. v. Aram, Houseman, and Terry*. He

Tuton's Tale.

proved the disappearance of Clark on the 8th of February, his failure to keep an appointment for that morning with him, or to reach Newell Hall, where his wife awaited him. He proved that at the time of his disappearance Clark had a large sum of money, upwards of £200, as he told Mr. Thornton, in his house, and that nothing was found there after he had gone; he added that nothing had been heard of his brother-in-law until his body was discovered in the cave, on Houseman's information. To the magistrate he had further stated that Clark left behind his horse, so convenient to enable him to fly his country had he the wish, and that there was much plate missing with the money, and that Clark never gave the least hint of his departure. Coates added, when before Thornton, that Aram, who was "never us't to have sums of money, was after the 8th of February seen to have a great deal," and that, "talking sometimes about the missing of Daniel Clark, she, Mrs. Aram, said she believed Houseman deserved to be hanged about him, and her daughter said that, in case her mother hanged Houseman, she would hang her father, at which (the) girl seemed much concerned."

These last two statements well exhibit the irregular manner, according to our ideas, of taking depositions. Aram's possession of money appears to be sworn to from hearsay. Coates does not profess to have seen him with it. The statement of a conversation in the accused's absence was, of course, not evidence, but Thornton was not sitting judicially, but making a criminal investigation. He could no more have proved this conversation before Noel and the jury than Anna Aram herself. Coates concluded his information by saying that he had advertised for Clark in the newspapers without success.

To return to the inquest—William Tuton, a mason, was the next witness. He had been examined the previous day by Thornton, but now added a most material detail to his deposition, and, if unshaken at the trial, as appears to have been the case, it must have pressed heavily against Aram. Like the others, it has never previously been printed. He proved that on the fatal Thursday, between eleven and twelve at night, Clark came to his house to leave some leather; that nigh three in the morning Clark came again and called him out of bed. Talking to Clark out of the window Tuton distinctly saw Houseman and Aram, the one in a dark, the other in a light, coat, standing by Clark's cellar door. They seemed anxious to elude observation, and "went about the corner of the street towards the Castle yard," and there Clark joined them. The witness never saw Clark again, but he found in Aram's garden his mason's pick three days or so later, and was positive that

Eugene Aram.

neither he nor any member of his family had lent it to the schoolmaster.

Anna Aram was now called. Her deposition is lengthy. It repeated, with some embroidery, what she had already told Thornton on the 14th, and if she had been a competent witness against her husband, her story must have told strongly against him. She swore that Clark, Houseman, and her husband came to her house about two on the morning of 8th February, 1744-5, and went upstairs. They all left about three, Clark having a wallet on his shoulder believed to contain valuables. Houseman and her husband returned alone about five, and Eugene came upstairs, but refused to say what he had been doing, and required a fire below for Houseman. She professed to hear a highly suspicious conversation between the two, in which it was agreed to get rid of her, to stop her mouth. Next morning she found among the ashes, which had been thrown out, charred fragments of clothing, though none of the family's was missing. Houseman left behind a handkerchief, borrowed overnight to tie round his bald head, and on this she found a spot of blood about the size of a shilling. She showed the burnt clothing to Houseman, saying that she feared they had done something bad, to which he answered that he knew not what she meant. To the magistrate she also detailed certain conversations with Eugene, in which she charged him with having done something to Clark, to which insinuations he would not reply. She added that on hearing her husband and Houseman plot to destroy her she tried to get out of the window, but failed. It is difficult to reconcile this alleged terror with the fact that she taxed both her husband and Houseman with the murder to their faces, and even attempted to blackmail the heckler, as appears from his examination. Both her depositions and her information, to which she appended a more scholarly signature than might have been expected of one in her condition, are singularly free from those interlineations and corrections so noticeable in the examinations of the persons she accused. While this proves that she had got her story "pat," it affords no criterion of its truth.

Her deposition concluded the evidence, and the jury of sixteen forthwith returned their verdict, and "upon their oaths did say that Richard Houseman . . . and Eugenius Aram . . . not having the fear of God before their eyes, but being moved and seduced by the instigation of the devil, with force and arms, and so forth, at Saint Robert's Cave . . . Daniel Clark . . . then and there being in the peace of God and of their Lord the King feloniously, wilfully, and of their malice aforethought, did kill and murder against the peace of their Lord the King, his Crown and Dignity."

[illegible]

The Verdict.

They further found that neither Houseman nor Aram had any goods or chattels, lands or tenements, at the time of the felony and murder done and committed, nor did fly for the same to the knowledge of the jurors.

To this verdict, duly engrossed on a parchment indenture, the coroner, John Theakston, set his hand and seal, the 18th day of August, 1758.¹³ The constables, already well on their way to Lynn, must have effected Eugene's arrest not later than the following day.

¹³ The counterpart in the Record office is merely signed; the other is signed and sealed by the coroner and each member of the jury.

CHAPTER VI.

Arrival of Aram at Knaresborough—His Personal Appearance—Meeting with His Wife and Family—Sally Aram—An Untrustworthy Anecdote—Eugene is taken to Thornville and Examined by Thornton—His Disingenuousness and Agitation—Taken Back and Re-examined—Arrest of Terry—His Self-possession—His Committal to York Castle and Examination—Aram's Piteous Letter to Collins—The Case Postponed—Reports in the Press.

"WHEN Aram arrived from Lynn in a post-chaise, with Barker and Moor, the constables, the streets were so choaked (sic) with people," says Mr. Benson, one of Scatcherd's octogenarian gossips, "that they could scarcely get down to the Bell Inn, where they alighted, and were received by the vicar, Collins, and the Reverent —— Brotheric. Aram was dressed in a very genteel suit of clothes, with beautiful frills to his shirt wrists, and had every appearance of a gentleman; he was quite composed and collected among the many Knaresborough gentlemen in the room, talked much, and said he could clear himself of the crime imputed to him. . . ."

He wore, as usual, his own hair—he had never so much affected the man of fashion as to wear a wig—and his strong features, with the bold aquiline nose and cold blue eyes, exhibited their wonted serenity.

One of his daughters went with a certain Polly Powell to see him. " . . . As they crossed the street they perceived a mob near the Bell Inn, and heard that he had arrived, whereupon Polly went and asked if Mrs. Aram would not go and see him; Anna said she would if Polly would accompany her, whereupon Mrs. Aram and her daughters, with Polly and a girl she had brought up, went together to the Bell. When they got into the room they found Aram in conversation with Collins and Brotheric, the magistrates (sic) not being ready to examine him. Mrs. Aram and her party did not interrogate Eugene, but he could not help seeing them enter. However, he took not the least notice of them until he had finished his address to the gentlemen, when, upon their quitting him, he bowed to his wife and said very coolly, 'Well, how do you do?' He also noticed Polly, and, asking who the young people were, was told they were his daughters, except the young woman who was with Polly, whom he then noticed much, having known her

The Adamantine Aram.

when a child. He then enquired after his other children, particularly a boy, who, when he left Knaresborough, was labouring under some mental derangement, and Anna told him he was at Hammerton, and had grown worse. At this he seemed much concerned, and told her that, had she followed his instructions, there would have been a different result."

It is impossible to read this account without coming to a very unfavourable conclusion concerning the man who, after a fourteen years' desertion of his home, returns in custody for murder, ignores his wife and children, while gentry are still in his presence, and finally greeting them with a very cool "How do you do?" proceeds to slight them and take much notice of a stranger to his blood, having nothing but upbraiding for the abandoned wife, who has had a bitter struggle to bring up six surviving girls and boys, one demented, without the slightest assistance from her spouse. Adamantine hardness and a total want of natural affection are features of every cold-blooded murderer's character. Yet even William Palmer, on his first interview when in custody with his friend Jerry Smith, paid, with a few rare tears, a tribute to the feelings of human nature.

"Among thousand amusements," in which, in his own quaint words, he had passed his time, had his thoughts ever turned homewards? Had he spared a single sixpence out of the moneys arising out of his employments for his famished dependants, or done the least in the world to enable Anna to educate afflicted Henry or the others "according to his instructions"? Was this the wife, jealousy for whose honour, we are gravely told, nerved him to strike down that daring and unprincipled gallant, "pock-broke," stuttering Clark?

In so evil a light does this account represent Eugene that we should hesitate to receive it, did it not come to us from his avowed advocate, a writer too infatuated to recognise that the gossip he quoted discredits utterly the conception of his hero as a man of great tenderness and humanity.

We are not told whether Sally Aram was present at this scene; "the daughters" referred to may have been Bessie, born in 1739, and Jane, whose age is unknown, her baptism not having been traced. Sally's subsequent history I shall relate in its place.

Scatcherd, however, introduces here an anecdote, accepted indeed by Mr. H. B. Irving, but which I venture to regard as probably apocryphal—"Thither (*i.e.*, York Castle), with a fidelity and devotion characteristic of the sex . . . Sally attended her father. She was then a fine young woman, about twenty-seven years of age [if so, she was born out of wedlock, Anna, the first child of the marriage, having been

Eugene Aram.

baptised in January, 1731-2], and my informant, who had shaken hands with Aram, was witness to an interview between them, which she told me was very affecting! Sally was standing before the iron gates, sobbing violently, when Aram accosted her. 'Sally, my dear,' said he, 'you are very much tanned and freckled.' 'Yes,' said Sally, 'I know that, father, but I cannot help it. What would you advise me to do?' 'Oh,' said he, 'make a wash with a juice of lemons; that will clear you.' "

It will be remembered that no warrant for Aram's arrest had been issued until after Houseman's second examination, at the earliest, and most probably not until the finding of the body confirmed the heckler's story. The journey from Knaresborough to Lynn, nigh two hundred miles by road, the return thence to the Bell Inn, and after that the visit to Thornville, four miles on the way to York, the taking of the examination there, the return later for the second examination, and the final drive to York Castle, were all accomplished, despite the inevitable law's delays, between the 17th and 21st of August. The post-boys must have ridden hard on their way back. How could Sally have pursued them, penniless as she was, from Lynn to the Castle, in time to consult her omniscient parent on the virtues of lemon as a cosmetic? The lumbering mail coach, could she have afforded even that, would have arrived days too late; and the hire of post-horses was far beyond the means that could have been available, for in a few days her father had to beg a trifle of the vicar of Knaresborough and was sent £5. If Sally were outside the castle when Eugene, with a singular freedom from the restraints usually imposed on persons in his situation, "accosted her," then Beatniffe was right in asserting that the young woman with whom he was living at Lynn was his "mistress only, and no relation."

It seems incredible that after incarceration Aram should have been allowed the liberty implied in the narrative of this interview, although he was apparently allowed to receive food from without, as a certain Mrs. Burnet used to take him his dinners to the Castle.

After the delay at the Bell Inn, Aram was carried, it being a Monday, before Mr. Thornton, at Thornville, to undergo his examination under the statute of Philip and Mary. This and the subsequent examination, though never before published in their entirety, have long been given to the world with substantial accuracy, albeit strangely overlooked by those shallow critics who have harped on the iniquity of condemning Aram on the uncorroborated testimony of Richard Houseman. Upon his first examination Aram, abandoning the pretence affected at Lynn of not knowing Clark or Knaresborough, admitted just as little as possible, relying on inability of recollection when-

Aram Examined.

ever a specific fact was put to him to admit or deny. What follows is Bristow's abridgment of the examination, given at length in the Appendix. Being brought before Mr. Thornton, and examined, he said, "That he was well acquainted with Daniel Clark; and, to the best of his remembrance, it was about, or before, the 8th of February, 1744-5; but utterly denied he had any connection with him in those frauds which Clark stood charged with at or before the time of his disappearance, which might be about the 10th of February, 1744-5, when he (Aram) was arrested by process for a debt—that during the time of his being in custody he first heard that Clark was missing—that, after his release, he was apprehended by a warrant from a Justice of the Peace for a misdemeanour, but appearing before the Justice, and the charge not being made out against him, he was dismissed. After this he continued at Knaresborough a considerable time, without any kind of molestation, and then he removed to Nottingham, to spend a few days with some relations, from whence he went to London. There he resided publicly till he came down to Lynn, which was about seven months before he was arrested by warrant, on suspicion of being concerned in the murder of Daniel Clark."

Thornton now proceeded to put to his prisoner the case against him—to outline the evidence he must be prepared to meet. It will be seen that Tuton's, Barnett's, and Latham's evidence (though Latham is not named) is put to him, and in each case he returns the disingenuous answer that he cannot recollect. The answers are merely non-committal. "He admits that he might be with Clark in February, 1744-5, but he does not recollect that he was at Mr. Carter's, who keeps a public-house, in Knaresborough, with a Jew, Richard Houseman, a flax dresser, and Daniel Clark, about twelve o'clock at night, on the 7th of February, 1744-5; nor does he recollect that he was in company with Clark and Houseman after two o'clock in the morning, at any particular time or place, in February, 1744-5—nor at or after three o'clock in the morning—nor at Grimbold Bridge—nor at or near a place called St. Robert's Cave, on the 8th of February, 1744-5, in the morning—nor does he know anything of Clark's being murdered—nor does he recollect that he was with Clark and Houseman when Clark called upon William Tuton, on the 8th of February, 1744-5, in the morning—nor does he remember anything of a mason's tool being found in his own house when he was arrested by a warrant in 1744-5—nor does he remember meeting Mr. Barnett, or seeing him in company with the above said persons on the 8th of February, 1744-5, in the morning—nor does he remember that he came home that morning at five o'clock with Houseman, and made a fire for them in his own house, which is asserted by his wife—nor does he remember that he had so great a sum of money as

Eugene Aram.

fifty guineas about that time, or pulled any such sum out of his pocket—nor did he seek to suborn or ask any one person to say that he had seen Clark since the 8th of February, 1744-5, who really had not seen him. But true it was that he had often made inquiry about him, and he thinks he hath heard some persons say they have seen him since, and particularly his brother, Stephen Aram, but does not recollect any other person, except another brother of his, Henry Aram, who has said that he saw him—nor does he know where it was those brothers say they saw him.

“As to the examination of any further particulars touching the premisses, and the signing this examination, this examinant chuses to wave (sic) them for the present, that he may have time to recollect himself better and more fully least (sic) anything might be omitted or slip his memory that is material, which may hereafter occur to him”—so concludes Mr. Thornton; but, whenever added, a weak and rather illiterate signature is to be seen appended to this singularly unveracious document.

We may surmise that Moor and Barker, as they were conducting Aram to York Castle, whither Thornton had promptly committed him, enlightened their prisoner somewhat as to the strength of the case against him, more especially as to the admissions of Houseman. At least they had not gone far when Aram begged to be taken back to Thornville, for he had “something of consequence to impart.”

From the heading of this second examination it is apparent that Mr. Thornton took it solely to relieve the anxieties of the prisoner; it is no strained inference from its language that it was volunteered by Eugene despite a magisterial caution that he should not commit himself. It is headed—

“On the same day as above (in consequence of the foregoing examination), and after mature deliberation and at his own instance, Eugene Aram desires to make *farther*¹ discoveries relating to the affair of the missing of Clark.”

No summary—not even a literal transcript—can convey the effect of this remarkable paper. It is crammed with erasures, and the critical part—what happened at the cave—has been written over and erased so often that it is only with the greatest difficulty that it can be made out at all. What follows is from the text of Bristow, the full examination with the passages hitherto suppressed being reserved for the Appendix. This document, so full of perilous admissions, and so utterly irreconcilable with what Aram had said an hour or so before, was, of course, part of the case proved against him, and it was for

¹ Written over an erased word, terminating in the letter “y.” E.R.W.

A Revised Version.

him in his defence to deal with it to the satisfaction of the jury—a thing, we shall see, that he made no sort of attempt to do.

The examinant now said, "That he was at his own house, the 7th of February, 1744-5, at night, when Richard Houseman and Daniel Clark came to him with some plate, and both of them went for more several times, and came back with several pieces of plate, of which Clark was endeavouring to defraud his neighbours; that he could not but observe that Houseman was all night very diligent to assist him to the utmost of his power—and insisted that this was Houseman's business that night, and not signing any note of instrument, as pretended by Houseman. That Henry Terry, then of Knaresborough, alehouse-keeper, was as much concerned in abetting the said frauds as either Houseman or Clark, but was not now at Aram's house, because, as it was market day,² his absence from his guests might have occasioned some suspicion—that Terry, notwithstanding, brought two silver tankards that night, upon Clark's account, which had been fraudulently obtained—and that Clark, so far from having borrowed £20 of Houseman, to his knowledge never borrowed more than £9, which he had paid him again before that night.

"That all the leather Clark had, which amounted to a considerable value, he well knows was concealed under flax in Houseman's house, with intent to be disposed of little by little, in order to prevent suspicion of his being concerned in Clark's fraudulent practices.

"That Terry took the plate in a bag, as Clark and Houseman did the watches, rings, and several small things of value, and carried them into the Flat, whence they and he (Aram) went together to St. Robert's Cave, and beat most of the plate flat. It was then thought too late in the morning, being about four o'clock on the 8th of February, 1744-5, for Clark to go off so as to get any distance; it was therefore agreed he should stay there till the night following, and Clark accordingly stayed there all that day, as he believes—they having agreed to send him victuals, which was carried to him by Henry Terry—he being judged the most likely person to do it without suspicion, for, as he was a shooter, he might go thither under the pretence of sporting. That the next night, in order to give Clark more time to get off, Henry Terry, Richard Houseman, and himself went down to the cave very early, but he (Aram) did not go into the cave or see Clark at all; that Richard Houseman and Henry Terry only went into the cave, he staying to watch, at a little distance on the outside, lest anybody should surprise them.

² From the report of the Royal Commission on Markets and Fairs (1889) p. 219, it appears that Wednesday, the 6th of February, was the market day.

Eugene Aram.

"That he believes they were beating some plate, for he heard them make a noise; they stayed there about an hour, and then came out of the cave, and told him that Clark was gone off. Observing a bag they had along with them, he took it into his hands, and saw it contained plate. On asking why Daniel did not take the plate along with him, Terry and Houseman replied that they had bought it of him, as well as the watches, and had given him money for it—that being more convenient for him to get off with, as less cumbersome and dangerous. After which they all three went into Houseman's warehouse, and concealed the watches with the small plate there, but that Terry carried away with him the great plate. That afterwards Terry told him he carried it to Howe Hill, and hid it there, and then went into Scotland and disposed of it. But as to Clark, he could not tell whether he was murdered or not—he knew nothing of him, only that they had told him he was gone off."

The suppressed passages, it will be observed on comparing this version with that in the Appendix, are those impeaching Hles, and the curious underlined paragraph near the end, where Aram endeavoured to explain why he had nothing to do with Houseman's and Terry's possession of the missing cobbler's watches and plate.

The frequent erasures, the many interlineations, the weak and tremulous signature at the end, all alike testify to a mind struggling with guilt, as well as with perplexity, and to one unnerved by fear. It is difficult, in the face of these two examinations so speedily following one another, to understand how acute minds can have reached the conclusion that Houseman supplied the sole evidence against Eugene, or that Eugene himself was "free from the premeditated design and the actual deed of murder." His own admission brings him to the cave on the fatal night—privy to the unlawful purposes of the other three, though he professes to deny participation—"He can't tell what to say, whether Clark was murdered or not" (a singular frame of mind!) "only they told him he was gone off."

So far is he from offering any explanation of the inconsistencies of these two examinations in his defence, that he characteristically lets them alone, together with "what is called evidence," and proceeds to stultify himself by alleging at this time an infirmity so great that he "was reduced to crutches." He had forgotten in August, 1759, having admitted in August, 1758, going on two successive winter nights to the cave for hours together. It may be that he did not know that his examinations would be proved against him. It is for his defenders to explain how these contradictions are to be reconciled with any theory of his innocence.

Terry Arrested.

Aram lodged in York Castle on the 21st of August, Thornton proceeded to arrest Terry, who was examined—where, does not appear—on the 26th as a prisoner on suspicion. No evidence at this time implicated the publican, who was arrested solely on the credit given to Aram's examination. Beyond "a tankard and two salts," according to the York Pamphlet, no goods of Clark's were ever traced to his possession, and, having been at large all the month, he knew how weak, in all probability, was the case against him. He accordingly met Thornton's inquiries with confident denials. He admitted knowing Clark, but had seen nothing of him for some time before he disappeared. He remembered Aram being charged in 1744-5. He himself never had any of Clark's goods; he had heard that Mr. Iles had possessed himself of a lot of them, but he did not know if Houseman had any. Houseman, Aram, and Clark were all very intimate. He never brought two tankards to Aram's house, as he alleged, but might have been at the house during the day preceding the disappearance. He denied going to the cave or knowing anything about the murder, but if there was such a thing, the worthy publican would sooner suspect Houseman and Aram than anybody else.

This examination he signed in fair writing. Aram and Houseman were already involved by their admissions in the fateful visits to the cave. Neither could assign any innocent motive for it. Terry wisely denied all participation in such a visit. It is difficult to see why he was committed and why next year the grand jury found a true bill against him. That evidence against him did appear later seems the unavoidable conclusion, and the York Pamphlet even says "that from this time (*i.e.*, his arrest) to the assizes fresh discoveries were made every day, and it was last Lent Assizes the general opinion they wou'd all three have been hang'd." The indictments of all three, on the backs of which would have been endorsed the names of the Crown witnesses, having disappeared from the records, it is impossible to supply the name of a single witness against the ale-draper.

The miseries of an eighteenth-century prison soon broke the spirit of Eugene, and the very next day after the arrest of Terry he thus addressed himself to the charity of the Rev. Mr. Collins—

REV. SR.,

I know not, loaded with public odium as I am, and charged with a crime, nay, a complication of crimes³, all of which I detest, whether I ought to be solicitous to procure anything in support of Life, particularly

³ Alluding doubtless to the infamous letter from Yorkshire, published in the press, accusing Aram roundly of the murder of a Jew and his man. See Appendix II., p. 172.

Eugene Aram.

under such aggravated circumstances, wherein it is better to Dye than to Live; but the propensions of nature are strong, her calls frequent and importunate, and few but have or think they have, some interest to attend too (sic) some social connexions or other not easily to be dispensed with. Admonished by these, but most for the generous concern I know you bear for humanity, however distressed and wherever situated, I venture to ask, and that with reluctance enough, that you would intercede for something, how and to whom you think fit, whereby to make this remain of being a little less uneasy, a little more supportable. If this is not inconsistent with your convenience and character and if it is not disagreeable in such a way and once thus to serve.

Yr hble Servt,

E. ARAM.

York, 27th August, '58.

Bristow adds that Mr. Collins showed this letter to some gentlemen, when £5 were collected and sent to him.

The strong phrase "loaded with public odium" in itself refutes the contention of Eugene's apologists—notably Scatcherd and a writer in the *Leisure Hour* for February, 1885—that the execrations of the mob were reserved for Houseman while Aram was an object of popular sympathy. The shocking libels which continued to be circulated and published in Yorkshire about this time explain, though they do not justify, the odium which attached to Aram and his memory throughout the generation which witnessed his fall.

The next letter which survives is dated 1st March, 1759, and was thus written on the eve of the Lent Assizes, in anticipation of a speedy crisis in the writer's affairs. It appears only in one edition, an undated duodecimo, printed by C. Etherington for E. Hargrove, known as the sixth edition. A misprint supplies the year 1776 as a conjectural date for its publication. We learn from the preface that the letter was one of several of like tenor. It runs—

York, 1st March, 1759.

SIR

I know not whether, after such a length of time, such a distance of place, such and so many accusations heaped upon me I yet possess that part of your esteem, which I flatter myself I formerly had, and was proud of. For, as I have been prosecuted with so much accrimony (sic), and represented with so much malevolence, prejudice has infected some, though I least suspect its influence on you, whose share of reason and penetration I have known too long and too well, to think you can ever look upon the invidious reports of my enemies as truths. Upon this supposition I write, and in this confidence of your good wishes to me entreat, that you would come at my trial which will begin here on the 5th or 6th of March [the commission day was the third. E.R.W.], to speak in support of my character as to what you know, and so far as is honest and right; which surely, as it will be a favour of so great importance to me and to you no extraordinary trouble or expence, I need not despair of from you. For ever since I was capable of thought and reflexion I always heard and saw the name of B—with pleasure. And if any other services are in your power, which from your consideration in the world, and the number

Dear Sir

(I have not been with public opinion as before and
charged with a new way of explanation of things, all of which
I do not in better thought to be solution for anything in support
of the particular, under such circumstances, I have not
written, it is better to say than to live.)

And the provisions of nature are strong, for caligraphy
is a natural gift, but let us think that they have some interest
to attend to, since social conditions or other not saying
disproportionally.

~~But I have had by this a great deal for the various copies
I have given for humanity, however I have not lost sight of
the fact that I have to do with the world with the solution of things, but
that you would not be able to do something new, to know you
think of it, whereby to make the solution of things a little
less many a little more supportable. If this is not more
with your convenience, I have not to say, if it is not divergent
in such many cases, then I have not to say.~~

Yours truly,
J. M. Deane

Letter written by Aram in York Castle.

(From the original in the possession of E. M. Deane, Esq.)

(Photo, by A. P. Munger, London.)

The Lent Assizes.

of your friends, may be considerable, and which may not now occur to me, pray forget not him, who is, as he has always been.

Sir,

Your most humble servant

E. ARAM.

P.S.—I am promised the Act of friendship I have solicited from you from some in the Netherdale, and Dallagill, etc., and should be glad to hear of the concurrence of any from Ripon. Mr. H—I hear, saw a person at Gaunt answering the description of Clark in the advertisement, if he will come, through regard to your application, which I beg of you, he might be a serviceable evidence. I desire a line by return of Burnet the waggoner.

This letter, the composition of which is so characteristic as to leave no doubt of its authenticity, is addressed, as we see, to some one at Ripon, whose name began with "B," of some station in the world, and long known to Eugene.' It is a reasonable conjecture that the recipient was one of the sons of the deceased Sir Edward Blackett, whose country seat at Newby was put up for sale in 1745. Aram had, it is evident, long been a stranger to Ripon.

Whether the letter produced the gift of money, indirectly solicited in its conclusion, or the attendance of the addressee at the impending assizes, we are without information. When the trial did come on, however, upon the summer circuit, Aram had to face it alone. "If he should be hanged," said Johnson, speaking of Baretti and his friends, "none of them will eat a slice of plumb pudding the less." It is to be feared that Aram's friends were even more lukewarm than the impetuous Italian's; but Aram had not, perhaps, the gift of attaching the affection of his fellows, and remembered an acquaintance only when it occurred to him that such a one might do him a service. Scatcherd tells us that numbers of Lynn gentlemen were willing to go bail for Aram, only, of course, it could not be allowed. None, however, from any quarter, was willing to be an evidence to his good character; though he really does seem to have won "golden opinions of all sorts of people" from his undoubted learning and apparent respectability.

The illustrious Mansfield was accompanied by Sir Michael Foster, a great criminal lawyer, and, like his chief, "out of the King's Bench" to hold the Lent Assizes on the Northern Circuit, the Chief Justice taking the pleas, the puisne the Crown side. On the tenth of the month Philip Coates, the prosecutor in *R. v. Houseman, Aram and Terry*, came before Foster to swear an affidavit,⁴ asking for further time to prepare his evidence, and alleging that "a very material circumstance . . . hath appeared since the commencement of

⁴See Appendix I., p. 166.

Eugene Aram.

these assizes." The learned judge made the order asked for, for the continuance of the prisoners in gaol until the Lammass Assizes following. The judge's order is thus entered in the Circuit "Goal Book"—

Yorkshire, 3rd March, 1759. CHARLES TURNER, Esq., <i>High Sheriff.</i> SIR DIGBY LEGARD, <i>Foreman.</i>	RICHARD HOUSEMAN, EUGENE ARAM, HENRY TERRY,	}	On reading the affidavit of Philip Coates the prosecutor, let them remain in goal untill the next Assizes.
		(sd.)	M. FOSTER.

A little below is the following—

EXTRA'S IN MURDER.

Putts 28 July, 1759, Guilty.

Eugene Aram, late of Knaresbro', etc., etc. . . .
for the murder of Daniel Clarke.

Putts 28 July, Not Guilty.

Richard Houseman, late of Knaresbro', etc., etc. . . .
for the murder of Daniel Clarke.

No entry here appears relating to Terry. The inference to a lawyer is that the bill of indictment against him was not ready; for these entries, given in full in Appendix I., are entries of pleas and verdicts, taken from the captions of the prisoners' indictments. Was the Crown expecting fresh evidence before framing the bill against the ale-draper?

No researches on my part have enabled me to discover such evidence, and I am led to believe that the "very material circumstance" alluded to in the affidavit was the likelihood that Houseman would stoop to the miserable position of a King's evidence. That he was approached while the Crown lawyers were in York city during these days with that object, is a well-nigh irresistible conclusion. At least by the end of May he had definitely decided to take his counsel's advice and give Aram away, as the unhappy schoolmaster was evidently aware.

The Press had begun long ere this to take some notice of the matter; the tenuity of its reports offers a strange contrast to the exuberance of modern dailies on all kindred topics.

The *Leeds Intelligencer* of Tuesday, 29th August, 1758, *The Cambridge Journal* of 26th August, *Lloyd's Evening Post* of the 25th, and the *Ipswich Journal* of the 2nd September, give almost identical accounts of the finding of the bodies, the inquests, and committals of Aram and Houseman. The *Leeds Intelligencer* of 6th March, 1759, announced the

Press Paragraphs.

forthcoming trial, and on the 13th announced the postponement, news of which also appeared in *The Cambridge Journal* on the 17th and in *Lloyd's Evening Post* on the 14th.⁵ Early in September, 1758, at least three papers⁶ were suffered to print a shameful libel upon Aram, in flagrant contempt of Court. They boldly stated that Aram, now awaiting trial, murdered not only Clark, but "a Jew and his man" as well, the death of Clark being represented as arising out of a quarrel over the booty plundered from the unfortunate Hebrews. Like wicked insinuations had been made in Miss Blandy's case, and were gravely censured by the Court.

⁵ See Appendix II., p. 173. The last and the *London Evening Post*, also reported the arrest of Terry.

⁶ *Lloyds' Evening Post*, *The Whitehall Post*, and *Payne's Universal Chronicle*. The *London Evening Post* omits Aram's name.

CHAPTER VII.

Letters from Prison—Aram Exploited by the Booksellers—Houseman Becomes an Evidence for the King—Dilemma of the Crown—Aram Selected as the Victim—Reasons for this Choice—Practice as to Wives' Evidence in Criminal Cases—Aram Composes his Defence—The Assizes Commence—The Judges and Counsel—A True Bill Found Against All Three—The Witnesses for the Prosecution—The Prisoners Put Themselves upon their Country.

THE development indicated in the last chapter, in what Aram habitually styles "the affair," now began to occasion him some anxiety, and he addressed himself to certain booksellers and men of their kidney, who had no real design to serve his interests, but were willing to exploit his pen and avail themselves of his notoriety to their own pecuniary advantage. He accordingly sent to Etherington some of those literary pieces, which appeared in the first published and subsequent accounts of his trial, in return, we may suppose, for offers of assistance towards his defence, and some slight provision of amenities in the prison, having previously despatched the letter which follows—

SIR,

The very humble opinion I ever entertained of anything I wrote prevented my retaining any copies; there remains an elegy on Sir John Armytage, who fell at St. Cas—if I can possibly recover it it shall come accompanied with a transcript of the papers you procured, and the rest shall follow as speedily as I can write them, which indeed, if you had not the curiosity to desire, I could not have had the assurance to offer; scarce believing I, who was hardly taught to read, have any abilities to write.

I am Sir,

with much gratitude for your kindness and with all possible respect,

your most humble,

most obliged servant,

E. ARAM.

P.S.—I will order you Mr. Recorder's letter, which I mentioned, from which you may be able to judge of my affair, in which you were pleased to say you would serve me. I have but one question to ask, which my next shall bear you.

This letter is undated. It shows that he had already mentioned "Mr. Recorder's letter," and the tenor of that is apparent from the postscript to the letter which follows. It is to be inferred that Etherington had recovered from Lynn

A Dilemma.

some MSS. left behind in the usher's hurried departure. He next writes—

York, 2nd June, 1759.

Good Sir,

To satisfy my promise and your request, I have transmitted part of the papers, and propose copying and transmitting to you the remainder of them early next week, or as early as I can. I am only able to employ half my time in this, but wish I could dispose of all my time that way, either for your amusement or your service. I have no materials for my purpose by me, not so much as books, papers, or MS. of any kind, so that it is easy to conceive under what disadvantages I write. Memory is all I have to trust to, and that can never be capacious of all I want.

You were pleas'd to promise me some assistance in my affair, in hopes of which I have subjoined the only question, I think, of any importance to me, and beg satisfaction in it by what you may judge best.

I am, Sir,

under great obligations,

and with all possible respect,

your most obedient

and most humble servant,

E. ARAM.

Q. Whether Houseman, who, after his being apprehended and in custody, and commitment upon a charge of murder, can possibly be admitted evidence for the King, against me, as he says his counsel tells him he may: the fact with which he impeaches me being fourteen years ago, and there being nothing against me, but what he pretends to say. Whether is the power of admitting evidence invested in the Judge, or King's Counsel, or both?

Thus Aram was aware, some time previous to June, of the negotiations between the Crown lawyers and Houseman, with a view to his admission as King's evidence, which, as I have shown, had probably been initiated during the late assizes. Some further light is thrown hereon by the York Pamphlet—

“Proof was, however, still wanting to convict them all; they had sufficient, indeed, to condemn Aram or Houseman singly, but not both; and after many consultations as to the person whom it was most advisable and just to punish, Aram, as the grand villain, was unanimously agreed on to be the man, and that Houseman and Terry should be acquitted, the former of whom was to give evidence against Aram.”¹

The difficulty of the Crown lawyers was this—If Aram were acquitted, his wife's evidence would be available against Houseman; but it would not be available against Houseman, much less against Aram himself, while the schoolmaster was still in jeopardy of conviction, except in so far as Anna could implicate Houseman without at the same time bringing in her husband.²

¹ p. 48.

² See Roscoe's Criminal Evidence, pp. 105, 127.

Eugene Aram.

Had the three been indicted together, Mrs. Aram would have been wholly incompetent to testify; equally so, if either of the other two had been indicted with Aram. She was bound over in twenty pounds to appear at the assizes, and it may well have been contemplated at one time to acquit Eugene and use Anna's testimony against the heckler. Even so her evidence could only have been admitted in so far as it did not jeopardise her husband, whose acquittal as principal would have been no bar to his indictment as accessory, or to what was then far from uncommon, an "appeal of murder" by Clark's heir-at-law. In the famous case of Thurtell the evidence of Mrs. Probert, after her husband's acquittal, was only very cautiously admitted by Mr. Justice Park, who rejected questions as to what Probert said relative to the disposal of Mr. Weare's remains. It is therefore highly doubtful if Anna's evidence as to what occurred on the morning of the 8th of February, after the two had returned, could have been admitted in any circumstances against the heckler, as it necessarily involved Eugene as well.

On the other hand, unless Houseman were acquitted and admitted evidence, there was nothing legally admissible against Aram to connect him with the body found in the cave, or to identify the body as Clark's. Such were the reasons for selecting Aram as the victim—the greater difficulty of convicting Houseman and the fact that he had from the first put himself in the position of a would-be "approver"; and it has always been unusual, one of several confederates having confessed, to look elsewhere for a King's evidence, though it was done in the great "gig murder," when Probert was substituted for Hunt as the instrument for convicting Thurtell. I have shown from these letters how fully aware Aram was, more than two months before the trial, that Houseman would go into the box against him—to the confounding of those sciolists who, rushing in like the fools in the adage, have declared that Eugene could never have supposed that the evidence of such a villain as Houseman would be admitted against him, and as being so taken aback as to be unable to deal with that evidence in his address. There is the less excuse for this common error, made by Scatcherd and many more, as the query appended to the letter of the 2nd June appeared in the first edition of 1759 and was often reprinted; nor can it be questioned that Eugene's lingering doubts were resolved in the answer, which Etherington presumably sent him, that Houseman's evidence was perfectly admissible in the discretion of the Crown counsel, whose decision in the matter the Court would accept as of course.

Aram continued to solace his mind with study and composition, borrowing books to enable him to supply the illustrations

Time's Winged Chariot.

of his defence. One such letter Bell purports to reproduce in facsimile, although the writing bears no resemblance to Aram's undoubted autographs, albeit a good, clerkly hand, though little suggestive of the scholar. The letter runs—

GOOD SIR,

If you can procure me and at the same time excuse the trouble, the "Monasticon Eboracense," a Catullus, and any Welch Dictionary, they will be very acceptable, divert the tediousness of these hours, and alleviate a few of the many dissatisfactions of this place, for

Good Sir,

your most humble

and most obliged servant,

E. ARAM.

To Mr. WALLACE.

The "Monasticon Eboracense," by John Burton, M.D., had recently appeared, being advertised in the *Public Advertiser* on 12th March, 1759, and Eugene doubtless hoped to find some matter therein for his defence—some strange discoveries of holy bones, though in fact none of his instances appears to have been derived from it. The "Welch Dictionary" was manifestly required for his "Essay towards a Comparative Lexicon." "Wallace," says Scatcherd, "appears to have been in the law." If so, he may have been the rising junior who figures frequently in Burrow's and Blackstone's reports and assisted the law officers in certain curious proceedings against the Chevalier d'Eon.

The address, on which Aram was now busy, was composed with the assistance of about half a dozen numbers of that popular monthly *The Gentleman's Magazine*, and three or four other authorities, two at least of which Aram quotes inaccurately. While elegant in its phrasing and perspicuous in its argument, it is far from being the recondite composition, the labour of years, which it has often been represented to be, to the prejudice of its author. A detailed examination of it will be found in a later chapter.

While Aram thus busied himself and ever heard

Time's winged chariot hurrying near,

the law was moving majestically on in its journey to crush him. On the 4th of July, a date in no long time to become memorable, the Hon. Mr. Bathurst, afterwards Lord High Chancellor, and the Hon. Mr. William Noel, "two of his Majesty's Judges out of the Court of Common Pleas," issued their precept to the sheriffs to hold a commission of Oyer and Terminer and General Gaol Delivery on the 28th day of July. With them came the redoubtable leader, Fletcher Norton, K.C., to conduct the prosecution; Mr. Joseph Yates, a very

Eugene Aram.

learned junior, many years a special pleader, and now, though only called in 1753, well on his way to a seat on the bench, which he filled with such sturdy independence as wrung from "Junius" the rare tribute of praise, to assist Norton; and two other junior counsel, both natives of Yorkshire, Mr. John Stanhope, of Horseforth, and Mr. George Hartley, of Middleton Tyas, who was called in 1747.³ The name of Houseman's counsel, alluded to by Aram, remains unknown. Nor do we know if Terry was defended by counsel, though "the most worthy baronet," to whom he was gamekeeper, would probably have seen to that, if his henchman lacked the means to fee a barrister himself. Sir Cecil Wray, of Sleningsford, was foreman of a grand jury of twenty persons of consideration, two others of his quality being with him in Sir William Foulis of Ingleby and Sir William Robinson of Newby, places well known to Aram in former years.

True bills were found against all three, though upon what conceivable grounds in Terry's case cannot now even be conjectured. Some witnesses, whose depositions have disappeared, must have been examined against him by the grand jury, for then, as now, it was the function of such a jury to hear the Crown evidence and thereupon to ignore or to return the bill as true. No true bill could have been returned merely on the strength of Aram's accusation. The gaol book clearly shows that Terry was put upon his trial before a petty jury, and acquitted and discharged.

While we may surmise that the witness from Harrogate who identified his "tankard and two salts" was one of those examined against the ale-draper, we are able with confidence to dispose of the trite fable that Aram was convicted upon the "sole evidence of Richard Houseman," or upon that evidence supported by testimony that would not now suffice to secure conviction upon a most trivial charge. To his contemporaries Aram appeared to be convicted "upon many concurrent proofs and a number of the strongest circumstances," and not the slightest doubt was ever entertained of his guilt until several generations had passed away and men took the romantic figure of the novelist for the unlovely reality.

Excluding Anna Aram, but including the examining magistrate, the two constables, Beckwith, whose evidence of finding goods in Aram's garden is printed in the most reliable reports,

³ *The York Pamphlet* gives the names in the proper order of seniority:—Norton, of the Middle Temple, took silk in 1754; Stanhope, of Gray's Inn, was admitted a student in 1718, and was probably about fifty six. There was another Stanhope at the bar, Lovell, called in 1747, but he went into political life. Yates was of the Inner Temple. Hartley was a Lincoln's Inn man.

Discharged, on motion of at the

Jury
 ... Thomas Sutton ... John Booth
 ... Robert Thelton ... Joseph Clement
 ... Robert Kitchin ... Richard Marshale ... John Whitaker
 ... William Rimond ... Nathaniel Girdley ... Thomas Coats
 putty guilty (can't say with head)
 George Mason for fel. stealing two guineas of malt price one shilling & sixpence
 and three guineas of malt price 2. property of Robert Cabotley
 Same Jury

Richard Hausman for the murder of Daniel Clarke

Same Jury
 putty not guilty
 but guilty to be hanged & body sent to be hung in Chain on the wall in the
 same room where the Agency dram for the murder of Daniel Clarke

Same Jury putty not guilty Henry Jury for the murder of Daniel Clark

Same Jury putty guilty
 John Coats for fel. stealing two guineas of malt price 1.6 and three guineas

To be Tried by his Country.

and all those others whose depositions or recognisances will be found in the Appendix, we have fourteen known witnesses against the protagonist in the story. In some cases the depositions are not extant, and the nature of their evidence must be gleaned from the pamphlets. That the mortgagee of Aram's property in Bondgate was called to prove the repayment by Eugene soon after 8th February, 1744-5, of the sum advanced, seems very probable, and we are also informed that the Crown was in a position to trace the whole of Clark's £200 to Eugenius, but that the case was considered sufficiently strong without it.⁴ However that may be—and Norton was not the man to fail to press a case thoroughly home—we must bid a long farewell to the pious legend of "the sole testimony of Richard Houseman."

Saturday, the 28th of July, being the Commission day, the judges after formally opening the assize at the Guildhall, adjourned at once to their lodgings, and on the following Monday proceeded to hear the civil and criminal pleas for the city and county of York, Bathurst sitting at *nisi prius* and Noel on the Crown side. Between 30th July and 3rd August the three prisoners were called on to plead to their indictments, to which each in turn pleaded "not guilty," and so "put himself upon his country"—a fact recorded upon his indictment by the superscription above his name of the word "putts."

⁴ Bristow, p. 39, n.

CHAPTER VIII.

The Cause List for Friday, August 3rd, 1759—A Good Day's Work—Character of William Noel and of Fletcher Norton—The Prisoners Presented to Their Jury—"Good and Lawful Men"—George Mason Tried—Trial of Houseman—Practice as to King's Evidences—Some Absurd Errors—He is Acquitted—Eugene Aram is Put to the Bar—His Indictment—Quaint Formalities—Opening of the Crown Case—Houseman in the Box—Did Aram Cross-Examine—Other Witnesses—Aram Called on for His Defence.

WHEN Mr. Justice Noel took his seat on the morning of Friday, 3rd August, 1759, such a cause list awaited the day's work as no present-day judge would attempt to get through at a sitting. It has so commonly been represented that Houseman and Aram were the only two brought to justice on this day—the few old tracts which mention the case of Terry representing it as disposed of next day—that it is well to reproduce here from the minute book the total calendar of the day, if only to show the untrustworthiness of received reports, too evidently the work of persons not present.

The cause list was—

- R. v. Lister and others, misdemeanour.
- R. v. George Mason, for larceny.
- R. v. Richard Houseman, for murder.
- R. v. Eugene Aram, for murder.
- R. v. Henry Terry, for murder.
- R. v. John Goodaire, for receiving stolen goods.
- R. v. The Inhabitants of the Township of Hook, for non-repair of a highway.
- R. v. The Inhabitants of the Township of Brayton, for a like offence.
- R. v. James Walker and Thomas Hancey, for an assault.

No adjournment of felony cases, once begun, was then possible. In the notorious case of Nairn and Ogilvie the Court sat for forty-three hours continuously, with but half an hour for refreshments. In Stephen Colledge's case the Court was sitting at three o'clock in the morning, when it "called for two bottles of sack," which, the reporter drily adds, "were

William Noel.

consumed in the presence of the prisoner." After trying Green, Berry, and Hill for the murder of Sir Edmond Berry Godfrey, the Chief Justice observed that it was time to break up the Court, as in the afternoon he had to sit at *nisi prius*. Such a case would occupy a modern judge at least two days. What assisted despatch was the fact that the judges took few or no notes, trusting almost entirely to their memories, which, as Mr. H. B. Irving well says in his "Life of Jeffreys," must have been developed to an incredible extent in this special direction. It would be a mistake to suppose the trials of this time to have been perfunctory. Miss Blandy's case and Elizabeth Canning's show the thoroughness with which the gravest or most complicated issues could be handled. There being less "waiting for his lordship's pen" than now, evidence could be taken more rapidly.

Noel sat alone on the Crown side. "Two judges sat and four counsel were engaged against Aram"—so runs an account by a legal writer. But Bathurst was sitting at *nisi prius*, and at this time was busy trying a big "breach" case, in which a jury awarded Miss Redfern £1500 damages against William Bowes, Esq., for his perfidy.¹ Of William Noel much has been ignorantly and spitefully written, so that it is but a duty to his memory to vindicate it from aspersions which it were charitable to ascribe to lack of knowledge rather than to that utter want of conscience in dealing with the administration of justice as incidental to history, which has been so great a blemish on more than one historian's reputation. The criticisms levelled at Noel's conduct of the case will be better appreciated when the case itself has been unfolded; I therefore reserve them, merely observing that with the exception of some strictures, themselves censured by the *Gentleman's Magazine* as based on maimed accounts of the proceedings, they date only from the period of Aram's elevation into a hero of romance. We are invited to believe Noel unworthy of his station because Horace Walpole, of all people, spoke flippantly of him as "a pompous man of little solidity." Noel had had a singularly successful career at the bar, and owed his preferment to the bench to the high opinion Lord Hardwicke entertained of his abilities. I, for one, would rather be wrong with Hardwicke than right with Walpole in the estimate of a lawyer's fitness for judicial office. It need not be added that Walpole, who habitually calumniated all men greater than himself, had the lowest opinion of Hardwicke himself! Noel's candour and fairness on this trial were noticed by contemporaries, as will later appear.

¹ *Cambridge Journal*, Aug. 11th, 1759; *Read's Weekly Journal*, same date.

Eugene Aram.

It belongs here to refute the charge of bloodthirstiness by showing that he was ready to give a prisoner on trial for murder the full benefit of the law, where it took a merciful view of a particular crime. On the 6th of September, 1759, "in an ingenious and pathetic speech, supported by adjudged cases and the doctrine of the wisest sages of the law, and also by arguments of reason and conscience," he, sitting as Chief Justice of Chester on the case of John Stephenson, a cheese-monger, found guilty of killing Francis Elcock, "declared that the prisoner's crime could amount at most to manslaughter only. Whereupon he was burnt in the hand and discharged."²

The crime for which Stephenson was thus so leniently punished was the deliberate shooting of a young attorney who had come to arrest him on a warrant. A slight technical flaw was later discovered in the form of the warrant, and to this the prisoner owed his life. Noel was as much bound to administer the law as he found it in this case as in Aram's, though it may have operated less favourably to the scholar than to the cheese-monger!

Noel was not, as has been said, a man of interests confined solely to professional advancement; thus we find the celebrated antiquary, Samuel Gale, writing to Dr. Stukeley (one of Eugene's authorities) in January, 1728-9, that he has left at Mr. Noel's "not only my Cotovicus, but likewise Father Bernardin's (for both of whom I have a singular respect). If I was not fully persuaded that they were in good hands I should hardly have ventured them so far."³ Somewhat self-seeking and somewhat of an opportunist he was, but without such defects of character success in the career of his choice had been impossible.

Far more formidable to Eugene was the leading counsel for the Crown—Fletcher Norton, K.C., a bold, unscrupulous, hard-fighting advocate, no great lawyer withal, but a verdict getter. He had been miserably poor in early life, and a hard struggle had left its scars upon a character never very amiable. Of literature he was so destitute that Johnson said he did not seem to know that there were such publications as the "Reviews," and his success was attributed by the Sage as well as by others to the dogged tenacity with which he pursued his profession. Horace Walpole, need it be said, thought ill of

² *London Magazine*, Sep., 1759; 19 St. Tr. 878, the latter in error gives the date as August 6th, the day of Aram's execution.

³ Nichol's "Literary Illustrations." Cotovicus was the author of "Itinerarium Hierosolymitanum et Syriacum" and of the "Synthesis Reipublicæ Venetæ." Noel went to the same school as Samuel Johnson—Hunter's Grammar School at Lichfield. For further particulars of Noel, see Foss's *Lives of the Judges*.

Sir Bull-Face Double-Fee.

him, and Wilkes told a story, much to his discredit, of an opinion he had offered to the libertine member for Middlesex on a matter arising out of his gallantries.

But a far weightier authority on "Sir Bull-Face Double-Fee," as he was dubbed, Lord Mansfield, said of him—"Norton's art was very likely to mislead a jury, and with him I felt it more difficult to prevent injustice being done than with any person whoever practised before me." Such an advocate was more than likely to employ everything that resource could suggest to secure a verdict, whether by introducing topics of prejudice or by such appeals to passion as are now only heard, and that rarely, from the lips of counsel for the defence. The circumstances of the case, the wild rumours that had been flying about, and the sinister impression made on the general mind by Anna's evidence at the inquests gave Norton every opportunity for those methods of advocacy noticed by Mansfield.

The judge having taken his seat, the proceedings opened by the disposal of *R. v. Lister and others*, the defendants' recognisances being discharged. This took but a moment, and then the real work of the day began. The several prisoners in felony were now together put to the bar for presentation to the jury, their pleas having been taken on some previous occasion.⁴

The clerk of arraigns rose and thus addressed them—"Prisoners at the bar, hear what is said to you. These good men you shall now see called are those who shall pass⁵ between our Sovereign Lord the King and you upon your lives and deaths. Therefore, if you would challenge them, or any of them, you must challenge them as they come to the book to

⁴ Aram's plea was taken in this wise. The clerk of arraigns, upon his arraignment, thus addressed him, "Eugene Aram, hold up thy hand. You stand indicted by the name of Eugene Aram, late of Knaresbrough, in the county of York, schoolmaster, otherwise called Eugenius Aram, late of &c. . . ." Here followed the substance of the indictment, and in conclusion, the clerk asked, "How sayest thou, Eugene Aram, art thou guilty of the felony and murder whereof thou standest indicted, or not guilty?" Aram: "Not guilty." The clerk: "Culprit, how wilt thou be tried?" Aram: "By God and my country." Culprit is derived by Blackstone from "cul," for "culpable," and "prit" an abbreviation of "paratus verificare," being the legal mode of joinder of issue on behalf of the Crown on the plea of not guilty. The expression "By God and my country" is said by Stephen to have dated from the days of compurgators and of the ordeal, when the accused elected to be tried by his country, if he could find compurgators, but if not, was tried by God, i.e., the ordeal. When ordeal disappeared the alternatives became fused into the senseless, if sonorous, phrase above, which continued in use until 1827, being used by Thurtell in 1824.

⁵ "The jury passing on the prisoner's life"—"Measure for Measure," II., i., 20. "We may not pass upon his life"—"King Lear," III., vii., 26.

Eugene Aram.

be sworn, before they are sworn, and you shall be heard." No jurors appear to have been challenged, and there were sworn Thomas Sutton, Robert Skelton, Robert Kitchin, William Edmond, William Aked, Richard Crosier, Richard Marshall, Nathaniel Priestley, John Brook, Joseph Clement, John Whittaker, and Thomas Coates. All these good and lawful men, whose names are entered in the minute book and in the York county jury list, are described as of the condition of "gentlemen"—a word in law implying the possession of a liberal education, and carrying a refutation of the oft-made apology for Aram, that he was convicted through the impenetrable stupidity of boors, unable to understand his "beautiful oration" and its train of reasoning.⁶

The jury sworn, proclamation was made in the language still in use, calling on all and sundry to inform "my lords the King's justices, the King's Serjeant, or the King's Attorney General of any treasons, murders, felonies, or misdemeanours, done or committed by any of the prisoners," and upon those bound by recognisances to give evidence, to come forth and give it, "for the prisoners stand now at the bar upon their deliverance." George Mason, the other prisoners being put back, was now presented to the jury, who found him guilty of stealing two pecks of malt, value one shilling and sixpence, and three of wheat, value twopence; whereupon he "pleaded his clergy," was burnt in the hand, and discharged.

Richard Houseman was next put to the bar and given in charge of the jury, the substance of his indictment being stated to them, as it already had been to the prisoner on taking his plea. No evidence was offered against the heckler, Norton merely rising to ask for a verdict of not guilty, if the Court was willing that that course should be taken, whereon Noel replied that it was entirely a matter for counsel's discretion, and directed a verdict of not guilty, which the jury at once returned.⁷ No lawyer will need to be told that this is what happened. Yet scarcely any of our "authorities" has failed to write some drivel on the supposition that Houseman was acquitted on the weight of evidence! The *Grand Magazine of Magazines* started this fiction; it was amplified by Bell, who in no respect displays

⁶The word "gentleman," though indiscriminately used in parish registers, as is shown in Boswell, anent the description of Samuel Johnson's father, has always had a strict meaning in law, the addition of "gent." being familiar to all readers of law reports. The York City jury list includes tradesmen of all descriptions, unlike the County List, which consists of gentry solely.

⁷It had been the custom, on acquittal, for the prisoner to fall on his knees in the dock, exclaiming "God save the King and the Honourable Court."

Houseman—Approver.

more signally his utter untrustworthiness than in the following passage:—

“Richard Houseman was first tried, but the evidence not being sufficient to convict him, he was acquitted . . . though the Court were convinced from circumstances during his trial that he was deeply implicated in the fact, yet as there was no direct proof of it, the jury could not find him guilty.”

And this is the work which in “Wills on Circumstantial Evidence” is described as the best edition of the trial! Andrews is yet more exquisitely ridiculous—

“The case against the three prisoners was anything but strong, and had it not been for the pusillanimous demeanour of Houseman while on his trial in the dock it is probable that all three would have been acquitted; but his agitation and fear led the counsel for the prosecution to examine him sharply [in the dock! E.R.W.], which had the effect of causing him to inculcate himself and Aram, and in accordance with the usage of Criminal Courts, he was permitted to turn ‘Queen’s evidence.’”

Caulfield also makes the common error, adding that “these questions (*i.e.*, whether he saw Aram kill Clark) fairly staggered Houseman,” though he had long ago confessed witnessing the murder, and over two months before had definitely bargained with the Crown to save his life by saying so. Nor will any lawyer need to be told that, far from his transfer from dock to witness-box being the hasty decision of a moment, each “treasury brief” had a full “proof” of what “Richard Houseman will say”—in other words, the Crown attorney’s prepared version of the heckler’s story.

It is as well to review Houseman’s exact legal position as a result of this acquittal. He had been acquitted as a principal; he could still be indicted as an accessory before or after the fact; he could also, and this was a real danger, be “appealed of the murder” by Clark’s heir-at-law. This accounts at once for his reticence and for his explicitness. He dare not impeach himself for fear of a second accusation; if he failed, on the other hand, to “come up to his proof,” the Crown could indict him as accessory. He was thus interested in steering a middle course between the truth and a complete suppression of it. He had yet to earn his immunity from further action by the Crown by impeaching his confederate, and at the same time give no occasion to Clark’s heir to seize upon any incautious admission to demand that he should go again before a jury

Eugene Aram.

on an appeal of murder, which meant death beyond the reach of mercy, for the King had no power to pardon a convicted appellee.

Aram was now taken from the cells and put to the bar, when the Clerk of Arraignment thus proceeded—

"Eugene Aram, hold up thy hand.⁸ Gentlemen of the jury, look upon the prisoner. He stands indicted by the name of Eugene Aram . . . &c.," continuing to recite the substance of the indictment, as he had already done in taking the plea. The indictment itself is missing from the records, but a very fair idea of its language will be obtained by reading the inquisition of the coroner's jury. It probably contained several counts, laying the offence in divers ways, as "with a certain offensive weapon, to wit, a mason's pick, of the value of one shilling, which he in his hand then and there held," varied by another saying, that he held it in his right hand, or "in both the hands of him," and so forth.

Having read the conclusion "against the peace of our Lord the King, his crown and dignity," the clerk added, "He is also indicted upon the coroner's inquisition. Your charge, therefore, is to inquire whether he be guilty of the felony and murder whereof he stands indicted or not guilty. If you find him guilty you shall inquire what goods or chattels, lands or tenements he had at the time of the felony and murder committed or at any time since, and if you find him not guilty you shall inquire whether he fled for the same; and if you find he did fly for the same you shall inquire of his goods and chattels as if you had found him guilty; and if you find him not guilty, and that he did not fly for the same, say so and no more, and hear your evidence."⁹

⁸ "Sir, you might as well tell us you had seen him hold up his hand at the Old Bailey, and he neither swore nor talked bawdy." Johnson at the Crown and Anchor, A.D., 1768.

⁹ This finding occurs also in the verdict at the inquest; it had long been a matter of form, the jury in convicting always pronouncing the prisoner to be unpossessed of goods or lands; on acquitting they also found in the negative, if asked to find on the subsidiary question "whether he fled for the same." The practice probably dated from the days when jurors informed the Crown of the prisoner's guilt from their own knowledge, and not from the evidence; and so were in the position to know if there was any property to escheat to the Crown on conviction. The statute "*De Officio Coronatoris*," A.D., 1276, bound the coroner to value the goods of a person found guilty by his jury of murder, "*sicut statim vendi possunt*." When jurors in later times decided solely on the evidence, as no evidence was before them as to the prisoner's means, they found that he had none, though many State prisoners were very wealthy. One, who fled from justice, forfeited his goods even if afterwards acquitted, hence the object of the second question. See Foster's "*Crown Law*," pp. 276, 288. Wills' "*Circumstantial Evidence*," 125, and 7 and 8 Geo., IV., c. 28, s. 5 abolishing this verdict.

Forensic Oratory—A.D. 1759.

Mr. Joseph Yates, as junior counsel for the Crown, now opened the indictment by stating it very much more briefly than it had just been done, adding, "To this indictment the prisoner hath pleaded not guilty, and for answer hath put himself upon his country, which country you are, and that is the issue which you have to try." Mr. Fletcher Norton, K.C., then rose to address the jury. His speech has not been preserved, but that of Henry Bathurst against Mary Blandy may afford some idea of the vigour of language in which at that age a prosecuting counsel of ability clothed his statement of the facts. Nor were the arts of oratory despised. Whatever effect could be gained by skilful antithesis, or sonorous climax, or any use of tropes or other tricks of rhetoric was striven for as strenuously as it would now be avoided, and Blair, in his "Lectures on Rhetoric" has preserved, as a parallel to the famous instance in Cicero's "Pro Cluentio," a climax in a Scottish address, in which the advocate has endeavoured to move the passions of his hearers against a poor, young woman charged with killing her natural child.

Having concluded what no doubt was a powerful and impressive oration, Norton resumed his seat, to be followed, perhaps, on the same side by Mr. Stanhope—for it was usual to hear two Crown counsel in serious cases at this time, though none could be heard in felony for the defence. The opening speeches concluded, Mr. Stanhope, whose seniority at the bar is proved by his being given the charge of a most difficult witness, proceeded to call Richard Houseman. We have no very full account of the flax-dresser's evidence, but of the manner in which he gave it there is a most complete concurrence of contemporary opinion. "Houseman's evidence," says the Press of that day, "was delivered with all the anxiety, diffidence, and embarrassment of conscious guilt, solicitous to accuse the partner of his iniquity no farther than consisted with keeping the curtain drawn between the Court and him."

Houseman, who was evidently a witness requiring a great deal of "bringing up to the fence," deposed that he went one night, about Candlemas, 1744, to Aram's house to receive some leather of him; that he then received twelve skins, and some time after seven more; that between two and three in the morning Aram and Clark went out of the house, asking him to take a walk with them, which he complied with; that they walked up the street together; that there was another man, unknown to him, on the other side of the way; that they proceeded to a close, where St. Robert's Cave is; that Aram and Clark went into it over the hedge; that he saw them quarrelling, and saw Aram strike Clark, but he could not see if Aram had

Eugene Aram.

any weapon.¹⁰ "Here the judge asked what the witness said, for he, being in the utmost horror and confusion and self-conscious of equal (sic), spoke very low. Mr. Stanhope replied, 'My lord, he says he saw Aram strike Clark down.' " The witness continued that he knew not when they went out of Aram's intention to murder Clark, and that, on seeing Clark fall, he made the best of his way home; that he knew not what Aram did with the body till next morning, when Aram called on him and told him he had left it in the cave, but threatened vengeance on him if he ever disclosed what had passed the preceding night.¹¹

Whether Aram cross-examined this witness is uncertain. The accounts of Houseman's evidence, given in Bristow, the *York Pamphlet*, in *Jackson's Oxford Journal*, and in *Lloyd's Evening Post* say nothing of any cross-examination. Indeed the only contemporary accounts which do are Sympson's edition of the trial, which also prints the spurious confession, and the very unvarnished account in the *Grand Magazine of Magazines*. The alleged cross-examination is, however, accepted by Bell, Scatcherd, and a host of uncritical writers. While premising my own unbelief in the "remarkable questions he put to Houseman," as Sympson expressed it in his puff preliminary of his "Genuine Account,"¹² I proceed to give them.

¹⁰ I here follow *The York Pamphlet*; Bristow's account differs in not mentioning the strange man on the other side of the way who had been mentioned by Houseman in his examination a year before. *The York Pamphlet*, as will be seen, states that this fourth man was not Henry Terry. Thus Bristow:—Houseman was then called upon, who deposed "that, in the night between the 7th and 8th February, 1744-5, about eleven o'clock, he went to Aram's house—that, after two hours and upwards spent in passing to and fro between their several houses to dispose of various goods, and to settle some notes concerning them, Aram proposed, first to Clark, and then to Houseman, to take a walk out of town. That when they came to the field where St. Robert's Cave is, Aram and Clark went into it over the hedge, and when they came within six or eight yards of the cave he saw them quarrelling. That he saw Aram strike Clark several times, upon which Clark fell, and he never saw him rise again; that he saw no instrument that Aram had, and knew not that he had any. That upon this, without any interposition or alarm, he left them, and returned home. That the next morning he went to Aram's house, and asked what business he had with Clark last night, and what he had done with him? Aram replied not to this question, but threatened him if he spoke of his being in Clark's company that night—vowing vengeance, either by himself or some other person, if he mentioned anything relating to the affair."

¹¹ *The Annual Register*, Bell, and others represent Houseman as saying that he went to Aram's to inquire what he had done with Clark. *The York Pamphlet* and other reports of 1759 differ herein. Bristow, however, p. 19, agrees with the *A.R.* It is of no moment; the whole was palpably untrue.

¹² In the *Public Advertiser*, 30th August, 1759.

Aram's Cross-examination of Houseman.

Aram first asked the witness how, in the depth of winter, when the nights are very dark, he could see him strike Clark. Houseman replied that he could see sufficiently by moonlight.¹³ The second question was as to what distance he (witness) was when he saw the accused strike Clark; to which Houseman replied that it was about ten or a dozen yards. Aram is then said to have asked why he did not go over the hedge into the field along with him and Clark, since they came out together, and had no business to talk of but what concerned them all. This, like the other questions, appears only in the dubious authorities referred to. Houseman is here represented as throwing himself on the protection of the Court, on the ground that the question tended to incriminate him, and as being excused for answering it. His danger was real; for, while it would have been utterly opposed to the practice of the Crown to have indicted him on any incautious admissions, as accessary, nothing could prevent Clark's heir-at-law from seizing on such a slip to appeal him of the murder, and a singular peculiarity of such appeals was that the Crown had no power of pardon.

This last question of Aram's has been praised by indiscriminate admirers as showing great acuteness. It only served, however, to bring into relief the fact of a common guilty intention—whether to commit murder or to destroy the plate. Houseman, by declining to answer, virtually confessed privity to an unlawful purpose, and thus cut away almost the only possible ground of defence—that the killing was upon a sudden quarrel, *not arising* out of the execution of an unlawful design. The question, if put, reflects upon the caution of the questioner, and it is safe to say that no counsel would have put it, there being nothing to be gained by establishing what the Crown admitted—that Houseman was an accomplice, and no object in cross-examining to credit a man who came before the jury as a King's evidence and a rascal.

Nor did the question in the least assist the defence that Aram seems to have relied on—that there was no sufficient proof of the *corpus delicti*. Houseman was endeavouring to protect his accomplice by representing the killing in the light most favourable to Aram as arising out of a sudden quarrel. The question tended to bring out the witness's privity in a murderous design—the very thing to be avoided. Before he left the box the heckler was asked by the Court the obvious

¹³ The moon, as shown by Tycho Wing's *Almanack*, *The Lady's Diary*, and other ephemerides, rose at about 8 p.m., "southed" at 1.22, and set soon after 8.30. It seems exceedingly unlikely that the cautious Aram should have forgotten that it was moonlight on the night in question, and should have risked bringing this out by so rash a question. The moon was but two days after the full, and, with snow on the ground, the light must have been considerable.

Eugene Aram.

question—why he did not discover the affair. To which he made answer that “Aram threatened to take away his life if he made any discovery of what had passed.” Aram, in commenting on this, after conviction, observed, “That part of Houseman’s evidence, wherein he said that I threatened him, was absolutely false; for what hindered him, when I was so long absent and far distant?” This is true enough, but it is for the schoolmaster’s apologists to reconcile this passage in the letter to Collins with the writer’s innocence. The motive for Houseman’s silence was impertinent; the fact that he did lohg conceal the crime remains. Indeed Aram’s comment impliedly admits it.

Peter Moor was next put into the box to prove the conversation between Aram and Clark concerning Mrs. Clark’s fortune. To what he swore in his deposition, the witness, according to Bristow, now added that Clark, speaking of the money, said, “It was with difficulty I got it.” Barnett followed; his deposition will be recalled; and was succeeded by Beckwith, a witness whose deposition is not extant. According to Bristow, Mr. Beckwith deposed “that when Aram’s garden was searched on suspicion of his being an accomplice in the frauds of Clark, there were found buried there several kinds of goods bound together in a coarse wrapper, and among the rest, in particular, a piece of cambric, which he himself had sold Clark a very little time before.” The *Grand Magazine of Magazines* informs us that there were several other witnesses to prove similar discoveries.

The very material evidence of William Tuton and of Stephen Latham was next called. It is easy to see how much the testimony of each, unshaken by cross-examination, must have impressed the jury. Tuton proved Aram and Houseman to have been in Clark’s company as late as three in the morning; rightly or wrongly he swore that they endeavoured to elude notice. He further gave the significant evidence touching his missing pick or hammer—an instrument used for giving a facing to masonry. Did Aram cross-examine either witness? The *Grand Magazine* says that “Aram, indeed, asked the witnesses several questions to try if by their answers he could find something to invalidate their evidence,” but no more reliable authority mentions a word of such cross-examination, and it is rather opposed to the flippancy with which he dismisses, without a single observation, “what is called evidence” in his address. It is not difficult to see how an advocate of the most moderate skill could have attacked Tuton’s evidence. Why had he not mentioned the pick to Thornton on the 17th? Would he explain how he was able to recognise the prisoner if he was endeavouring to hide

Fatal Equivocations.

from him? Equally so Latham might have been rendered much less positive about the amount of the money he saw the prisoner produce. It would also have been put to this witness that the prisoner made no concealment of the money, produced it in the most open manner, and so forth, to rebut the inference that it was Clark's.

Even more fatal was the evidence which followed, when, according to Bristow, John Barker, the constable, who executed the warrant granted by Mr. Thornton, and indorsed by Sir John Turner, deposed "that at Lynn, Sir John Turner and some others first went into the school where Aram was, the witness waiting at the door. Sir John asked him if he knew Knaresborough? He replied, 'No.' And being further asked if he had any acquaintance with one Daniel Clark, he denied that he ever knew such a man. Witness then entered the school, and said, 'How do you do, Mr. Aram?' Aram replied, 'How do you do, sir? I don't know you.' 'What,' said the witness, 'don't you know me? Don't you remember that Daniel Clark and you had always a spite against me when you lived at Knaresborough?' Upon this he recollected the witness, and owned his residence at Knaresborough. The witness then asked him if he did not know St. Robert's Cave? He answered, 'Yes.' The witness replied, 'Aye, to your sorrow.' That upon their journey to York Aram inquired after his old neighbours, and what they said of him. To which the witness replied that they were much enraged against him for the loss of their goods. That upon Aram's asking if it was not possible to make up the matter, the witness answered he believed he might save himself if he would restore to them what they had lost. Aram answered that was impossible, but he might perhaps find them an equivalent."

Aram was then asked by the judge if he had anything to say to the witness before him. He replied that, to the best of his knowledge, it was not in the school, but in the room adjoining the school, where Sir John Turner and the witness were when he first saw them.

The witness, who was evidently hostile to Aram, introduced, according to the York Pamphlet, a topic of prejudice by describing the prisoner's alarm at passing a body hanging in chains on the road from Lynn; but on this, the same authority adds, the judge in his summing up laid little stress. There is a verisimilitude about Aram's answer to the Court's invitation to cross-examine, which, to my mind, stamps this part of the report as true. Prisoners in such a situation, if unused to the ways of Court, usually reply to a witness instead of questioning him, and, as often as not, are content to set him right

Eugene Aram.

on an immaterial, or at least a trivial, circumstance. Francis Moor, according to the York Pamphlet, had preceded Barker in the witness-box; that he was bound over in a recognisance in £20 to give evidence appears from the records. He swore, apparently, to the conversation about Clark and Knaresborough taking place with him, while Barker remained outside, bursting into the room at the moment when Aram was denying all knowledge of Knaresborough and its historic cobbler, in order to put him to confusion, he being unquestionably known to the prisoner, whereas Moor, perhaps, was not. Of Ernest Day, said by the *Gentleman's Magazine* to have assisted at the arrest, no trace can be discovered among the records.

The lame explanation has been put forward that Aram denied knowing Clark because he feared to be accused of complicity in his frauds. But he had already been dismissed on this charge in 1744-5. Nor could anything fresh well have come to light since, save the discovery of the body. The bald *précis* of the two constables' evidence, as it appears in the reports, but faintly conveys its probable effect upon the Court and jury; the confusion and evasions of the accused while in the schoolhouse at Lynn formed the strongest link in the chain of circumstantial evidence against him. The remark of Barker, "Aye, to your sorrow," while certainly improper, was, coupled with the prisoner's failure to reply, admissible against him.

It now remained to call the medical evidence, and finally the justice, and so complete the Crown case. Higgins and Locock were both bound over on their recognisances, but only Locock's name figures in the reports of the trial. Their depositions establish two things of medico-legal importance. The blow was on the back part of the skull or *occiput*, not on the side or "temporal bone," as has been stated in so many reports and also in Taylor's "Medical Jurisprudence." Secondly, the fracture was caused by a relatively blunt instrument, causing a large fracture, and not a small wound of entry and a larger wound of exit, as has been described.¹⁴ Thus is exploded the ingenious defence of Aram by Mr. J. M. Richardson, who calls him the Dreyfus of the eighteenth century, and endeavours to show that Eugene struck his man in a fair fight and face to face, and so occasioned a wound on the left side of the skull, as a right-handed man would naturally do. Waiving the question whether that would have altered Aram's guilt in the eye of the law, the contention is hopeless, in view of the

¹⁴ A glance at Glaister's "Medical Jurisprudence," plates facing p. 229, will show how utterly unlike a wound with a pick-axe is to that described by these witnesses. The tool of Tuton's appears to have been that now known as a mason's hammer, relatively blunt, though Tuton, indeed, styles it a "pick."

Questions of Forensic Medicine.

express statement of the doctors that the fracture was at the back. The nature of the fracture, said Locock, who produced the skull, was such that it could not have been made but by the stroke of some *blunt* instrument; the piece was beaten inwards, and could not be replaced but from within. He gave it as his opinion that no such breach could proceed from any natural decay—that it was not a recent fracture by the instrument with which it was dug up, but seemed to be of many years' standing.

Whether he was asked anything as to the age or sex of the person to whom the bones belonged, or as to how long they had been in the ground, or how he could tell that the injury was inflicted in life, we do not know.

Taylor does, indeed, say, in speaking of Aram's defence, "He also positively denied the conclusion as to the age and sex of the skeleton, but this objection was entirely set aside by the medical evidence." But it does not appear that the learned author had access to any reports of the medical evidence superior to those furnished by the various tracts; and, inasmuch as he speaks of the fracture being of the temporal bone, whereas the depositions point to the *occiput* as the seat of the lesion, we can arrive at no conclusion, even on so high an authority, that the sex was in this case unimpeachably determined. A portion of the skull produced in Court by Locock having come into my possession, I recently submitted it to Professor Keith, the Hunterian Lecturer, soliciting the favour of his most valuable opinion upon the following points, all suggested by Aram in his defence:—(1) What was the sex of the subject? (2) What was the age of the subject at death? (3) What was the probable length of time during which the body had lain in the ground, bearing in mind that it lay without the protection of any coffin, shell, or even clothing? (4) Whether it was possible to say definitely that any one of the apparent fractures upon the fragment was inflicted before burial, and presumably therefore in life?

The replies of Professor Keith will be found at length in the third Appendix. In brief, modern science steps to the aid of eighteenth century speculation, and establishes—(1) That the subject was a male; (2) that he appeared to be of about thirty years of age; (3) that the appearance and state of the bone is entirely consistent with its having lain in blackish mould for about thirteen or fourteen years, but that it might have lain longer, even for a century, though its state fits better with the shorter period; (4) there was certainly a fracture occasioned before burial. Whether or not this was the cause, it certainly was not the consequence of death, as Aram had contended. This fracture might have been the prolongation of a severe occipital fracture.

Eugene Aram.

Whether the assumption having been made as early as the inquest at St. Robert's Cave that the remains were Clark's, all or any of these questions of forensic medicine received proper attention we cannot tell; but that the surgeons had expressed their opinion that the skull was of a male appears from that passage in Aram's defence, where he observes, "It is said, which perhaps is saying very far, that these are the skeleton of a man—'Tis possible, indeed, but, then, is there any known criterion which incontestably distinguishes the sex in human bones?"

The answer is that the law does not look for incontestable certainty, but for reasonable certainty, and this medical science can afford.¹⁵

A particular identification of the skeleton as Clark's was not in the circumstances to be expected. Age, sex, and stature might be determined, but all clothing having been removed, and there being no physical disfigurement or peculiarity such as led to the identification of the remains of Dr. Parkman (from the state of his teeth), and the execution of Professor Webster, the general conclusion only could be reached that the bones might be those of the cordwainer, and to this Professor Keith entirely assents in the following words:—"All the appearances are consistent with the bone being Clark's."

The medico-legal importance of these points was, in this particular case, relatively slight, because the proof of the *corpus delicti* really lay in the discovery of the skeleton in the precise position indicated by Houseman. In dealing with this aspect of the case, Sir Alfred Wills says—"When Houseman at the inquest upon what were then supposed to be Daniel Clark's bones, exclaimed 'They are no more his bones than mine,' who can say that the incident was without a bearing upon the subsequent inquiry whether Clark was dead, whether the bones found at no distant place were his, and whether he had been the victim of foul play: and of course Houseman's exclamation might have been of a more definite character and have pointed to the place where Clark's bones would be found."¹⁶

Had the learned editor been aware that the bones were found on 17th August by Houseman's direction, as the depositions as well as the inquisition and his second examination clearly establish, he could hardly have failed to observe that here was a proof of the *corpus delicti* far stronger than has often

¹⁵ For grave errors as to age and sex, see *Lancet*, X., 758; Beck's "Forensic Medicine," 541; Taylor's "Medical Jurisprudence" (1910), I., 222. Aram's own skull was mistaken for (1) a woman's (2) a young man's.

¹⁶ Wills' "Circumstantial Evidence" (1912), 6th. Ed., pp. 343-4.

Close of the Crown Case.

been acted upon, it being incredible to suppose that Houseman should name the spot by chance, and impossible to assign a motive for an invention so full of deadly peril to himself.

Other evidence must have been given, or at least have been available, for Barbara Leetham, a widow, and William Thompson, a sweep, were bound over in £10 apiece to attend the assizes. Mrs. Leetham's evidence had been taken upon the first inquest, and was, as touching the other skeleton, probably dispensed with at the trial. Like that of Thompson, her recognisance was taken by Thornton, the justice. The evidence of the man Thompson, who found the body on Thistle Hill, is said to have been called, but it hardly seems relevant to the issue. The last witness to be examined was the examining magistrate, William Thornton. He proved taking the prisoner's two examinations, which were then put in and shown to the jury, with all their erasures, interlineations, and corrections—the manifest indications of a mind labouring with guilt no less than with perplexity.

On the close of the case for the Crown the evidence implicated Aram by proof of motive, opportunity, conduct after the event inconsistent with innocence, such as the possession of money, the denial of knowing Clark, and the strangely contradictory nature of the two examinations, which were hopelessly at variance with one another and with the statement made at Lynn, and by the direct proof of Houseman—worthless, it is allowed, as to the fact deposed to, but, coupled with the discovery of the body by his direction and with the medical evidence, conclusive as to the *corpus delicti*. When called upon for his defence, therefore, no slight task lay before Aram. It is not unfair to say that he made no attempt to discharge it beyond a skilful, if highly academic, animadversion upon one part of the case only—the proof of the *corpus delicti*, or that the remains found were these of the man of whose murder he stood indicted, and that the man had met his death by criminal violence. To the rest of the evidence he directed no attention, and some of his assertions in his defence, unsupported by proof, were completely inconsistent with the earlier statements in his examinations, and with facts sworn to by the witnesses.

CHAPTER IX.

Eugene Aram's Defence—Did He Compose It?

WHETHER, when called upon for his defence, Aram made any preliminary remarks, or whether he at once plunged *in medias res* by reading from his manuscript, demands a brief examination. The very unvarnished account in the *Grand Magazine of Magazines* for September, 1759, represents Eugene as explaining the absence of any witnesses as due to the lapse of time, and as thus proceeding—"That the terror and confusion of his mind was so great and so powerfully wrought upon his spirits upon this awful occasion, that he fear'd he should not be able to speak properly and methodically to the several points he had to observe, and therefore had taken this method (*i.e.*, reading a MS.) to make his defence." Bell enlarges by representing Eugene as objecting to the admission of Houseman's evidence, "who, it appeared (even on his own showing), was an accessory to the fact," and as commenting on the circumstantial nature of the evidence. These interpolations seem to me to be clumsy fictions. So far was Aram from being overcome by terror that, as a contemporary York report says, "he behaved throughout with great steadiness and decency." Had he wished to take exception to Houseman's evidence he would surely have done so before it was given.

Bell was aware from Aram's letter of 2nd June that he had an idea that Houseman's evidence ought not to be received, and he was content to fabricate this episode to make his version appear the result of independent researches not previously attempted. For a prisoner to read his defence, generally written for him by another, was the invariable practice at this time, unless the wretch was too overcome by his situation, in which case an officer of the Court read it for him, as was done in Hunt's case.

Any apparently new matter in Bell is too often either a crafty plagiarism or a weak invention. The York Pamphlet says nothing of these preliminaries, but states that Aram at once produced his "manuscript book, which he begged leave to read." The version, which follows, is taken directly from Bristow's, which professed to be printed direct from the manuscript, retaining even the grammatical inaccuracies. Bell has, with characteristic disingenuousness, corrected some slips, notably in the allusion to the "Campden tragedy," while

The Defence.

Bulwer has taken the unwarrantable liberty of abridging the address to its manifest disfigurement both as a piece of reasoning and as a prose composition. At the age when he wrote "Eugene Aram" the novelist was by no means equal to improving his hero's felicity of expression. Aram read as follows:—

"My lord—I know not whether it is of right, or through some indulgence of your lordship, that I am allowed the liberty at this bar, and at this time to attempt a defence, incapable and uninstructed as I am to speak. Since, while I see so many eyes upon me, so numerous and awful a concourse, fixed with attention, and filled with I know not what expectancy, I labour, not with guilt, my lord, but with perplexity. For having never seen a Court but this, being wholly unacquainted with law, the customs of the bar, and all judiciary proceedings, I fear I shall be so little capable of speaking with propriety in this place, that it exceeds my hope if I shall be able to speak at all.

"I have heard, my lord, the indictment read, wherein I find myself charged with the highest crime—with an enormity I am altogether incapable of—a fact, to the commission of which there goes far more insensibility of heart, more profligacy of morals, than ever fell to my lot. And nothing possibly could have admitted a presumption of this nature, but a depravity not inferior to that imputed to me. However, as I stand indicted at your lordship's bar, and have heard what is called evidence in support of such a charge, I very humbly solicit your lordship's patience, and beg the hearing of this respectable audience, while I, single and unskilful, destitute of friends, and unassisted by counsel, say something, perhaps, like argument in my defence. I shall consume but little of your lordship's time; what I have to say will be short, and this brevity, probably, will be the best part of it; however, it is offered with all possible regard, and the greatest submission to your lordship's consideration, and that of this honourable Court.

"First, my lord, the whole tenour of my conduct in life contradicts every particular of this indictment. Yet, I had never said this, did not my present circumstances extort it from me, and seem to make it necessary. Permit me here, my lord, to call upon malignity itself, so long and cruelly busied in this prosecution, to charge upon me any immorality of which prejudice was not the author. No, my lord, I concerted not schemes of fraud, projected no violence, injured no man's person or property. My days were honestly laborious, my nights intensely studious. And I humbly conceive my notice of this, especially at this time, will not be thought impertinent or unreasonable, but at least deserving some atten-

Eugene Aram.

tion ; because, my lord, that any person, after a temperate use of life, a series of thinking and acting regularly, and without one single deviation from sobriety, should plunge into the very depth of profligacy, precipitately and at once, is altogether improbable and unprecedented, and absolutely inconsistent with the course of things. Mankind is never corrupted at once—villany is always progressive, and declines from right, step after step, till every regard of probity is lost, and every sense of all moral obligations totally perishes.

“ Again, my lord, a suspicion of this kind, which nothing but malevolence could entertain and ignorance propagate, is violently opposed by my very situation at the time, with respect to health ; for but a little space before, I had been confined to my bed, and suffered under a very long and severe disorder, and was not able, for half a year together, so much as to walk. The distemper left me indeed, yet slowly and in part ; but so macerated, so enfeebled, that I was reduced to crutches ; and was so far from being well about the time I am charged with this fact, that I never to this day perfectly recovered. Could, then, a person in this condition take anything into his head so unlikely—so extravagant ? I, past the vigour of my age, feeble and valetudinary, with no inducement to engage—no ability to accomplish—no weapon wherewith to perpetrate such a fact ; without interest—without power—without motive—without means !

“ Besides, it must needs occur to every one, that an action of this atrocious nature is never heard of, but when its springs are laid open, it appears that it was to support some indolence, to supply some luxury, to satisfy some avarice, or oblige some malice ; to prevent some real or imaginary want ; yet I lay not under the influence of any one of these. Surely, my lord, I may, consistent with both truth and modesty, affirm thus much ; and none who have any veracity and knew me will ever question this.

“ In the second place, the disappearance of Clark is suggested as an argument of his being dead ; but the uncertainty of such an inference from that, and the fallibility of all conclusions of such a sort, from such a circumstance, are too obvious and too notorious to require instances. Yet, superseding many, permit me to produce a very recent one, and that afforded by this castle.

“ In June, 1757, William Thompson,¹ for all the vigilance of this place, in open daylight, and double-ironed, made his

¹ His skeleton was found on 8th July, 1780, behind the old Court House in York Castle, near the foundations, about three feet from the wall, with double irons on. It is supposed he was killed by the fall.

The Defence.

escape ; and, notwithstanding an immediate inquiry set on foot, the strictest search, and all advertisements, was never seen or heard of since. If, then, Thompson got off unseen, through all these difficulties, how very easy was it for Clark, when none of them opposed him? But what would be thought of a prosecution commenced against any one last seen with Thompson?

"Permit me next, my lord, to observe a little upon the bones which have been discovered. It is said, which is perhaps saying very far, that these are the skeleton of a man. 'Tis possible, indeed, it may—but, then, is there any certain known criterion which incontestably distinguishes the sex in human bones? Let it be considered, my lord, whether the ascertaining of this point ought not to precede any attempt to identify them.

"The place of their *depositum*, too, claims much more attention than is commonly bestowed upon it, for of all places in the world, none could have mentioned any one wherein there was greater certainty of finding human bones than a hermitage, except he should point out a churchyard, hermitages in time past being not only places of religious retirement, but of burial too. And it has scarce or never been heard of, but that every cell now known contains or contained these relics of humanity—some mutilated, and some entire. I do not inform, but give me leave to remind your lordship, that here sat solitary sanctity, and here the hermit, or the anchoress, hoped that repose for their bones, when dead, they here enjoyed when living.

"All this while, my lord, I am sensible this is known to your lordship, and many in this Court better than I (sic). But it seems necessary to my case that others, who have not at all perhaps adverted to things of this nature, and may have concern in my trial, should be made acquainted with it. Suffer me then, my lord, to produce a few of many evidences, that these cells were used as repositories of the dead, and to enumerate a few in which human bones have been found, as it happened in this in question ; lest to some that accident might seem extraordinary, and, consequently, occasion prejudice.

"1. The bones, as were supposed, of the Saxon, St. Dubritius, were discovered buried in his cell at Guy's Cliff, near Warwick, as appears from the authority of Sir William Dugdale.²

"2. The bones, thought to be those of the anchoress Rosia, were but lately discovered in a cell at Royston, entire, fair,

² Either referring to his "History of Warwickshire" (1730) 273, or his "Monast. Anglic." VI., 1220, "de morte et sepulturâ S. Dubricii." But Aram's memory is at fault. The saint was buried at Bardsey Island, though he used this cave. A "Heremite" and Guy, of Warwick, were buried here. Dugdale does not confirm Aram's point.

Eugene Aram.

and undecayed, though they must have lain interred for several centuries, as is proved by Dr. Stukeley.³

"3. But our own country, nay, almost this neighbourhood, supplies another instance. for in January, 1747, was found by a Mr. Stovin, accompanied by a reverend gentleman, the bones, in part, of some recluse in the cell at Lindholm, near Hatfield. They were believed to be those of William of Lindholm, a hermit, who had long made this cave his habitation.⁴

"4. In February, 1744, part of Woburn Abbey being pulled down, a large portion of a corpse appeared, even with the flesh on, and which bore cutting with a knife, though it is certain this had lain above 200 years, and how much longer is doubtful, for this abbey was founded in 1145, and dissolved in 1538 or 9.⁵

"What would have been said, what believed, if this had been an accident to the bones in question!

"Farther, my lord, it is yet not out of living memory, that a little distance from Knaresbrough, in a field, part of the manor of the worthy and patriotic baronet who does that borough the honour to represent it in Parliament, were found in digging for gravel, not one human skeleton only, but five or six, deposited side by side, with each an urn at its head, as your lordship knows was usual in ancient interments.

"About the same time, and in another field, almost close to this borough, was discovered also, in searching for gravel, another human skeleton; but the piety of the same worthy gentleman ordered both the pits to be filled up again, commendably unwilling to disturb the dead.

"Is the invention of these bones forgotten, then, or industriously concealed, that the discovery of those in question may appear the more singular and extraordinary? Whereas, in fact, there is nothing extraordinary in it. My lord, almost every place conceals such remains. In fields, in hills, in highway sides, in commons, lie frequent and unsuspected bones. And our present allotments for rest for the departed is but of some centuries.

³ "Palæogr. Britann." (1743) p. 8. So far from "entire, fair, and undecayed" were the remains, that "the bones were much decayed and for the most part carried away with the rubbish." They were probably not those of Rosia. Charles Parkin in 1748 published, at Norwich, an amusing reply to Stukeley. Cf. "Royston Winter Recreations" (1873), 96-99, by W. W. Harvey.

⁴ "Gentleman's Magazine," Jan., 1747, p. 23. Stovin found the bones on Aug. 21st, 1727, in a cell in the midst of 60 acres of ground. They were very large.

⁵ "Gentleman's Magazine," Jan., 1749, p. 153. It mentions only coffins.

The Defence.

“ Another particular seems not to claim a little of your lordship’s notice and that of the gentlemen of the jury—which is, that perhaps no example occurs of more than *one* skeleton being found in *one cell*; and in the cell in question was but *one*, agreeable in this to the peculiarity of every other known cell in Britain. Not the invention of one skeleton, then, but of two would have appeared suspicious and uncommon.

“ But then, my lord, to attempt to identify these, when even to identify living men sometimes has proved so difficult, as in the case of Perkin Warbeck and Lambert Symnel, at home, and of Don Sebastian abroad, will be looked upon perhaps as an attempt to determine what is indeterminable.

“ And I hope, too, it will not pass unconsidered here, where gentlemen believe with caution, think with reason, and decide with humanity, what interest the endeavour to do this is calculated to serve, in assigning proper personality to those bones, whose particular appropriation can only appear to Eternal Omniscience.

“ Permit me, my lord, very humbly to remonstrate that, as human bones appear to have been the inseparable adjuncts to every cell, even any person’s naming such a place at random as containing them, in this case, shows him rather unfortunate than conscious prescient, and that these attendants on every hermitage only accidentally concurred with this conjecture—a mere casual coincidence of *words* and *things*.

“ But it seems another skeleton has been discovered by some labourer, which was full as confidently averred to be Clark’s as this.⁶ My lord, must some of the living, if it promotes some interest, be made answerable for all those bones that earth hath concealed and chance exposed? And might not a place where bones lay be mentioned by a person by chance, as well as found by a labourer by chance; or is it more criminal accidentally to *name* where bones lie, than accidentally to find where they lie? Here, too, is a human skull produced, which is fractured; but was this the *cause*, or was it the consequence of death? Was it owing to violence or was it the effect of natural decay? If it was violence, was that violence before or after death? My lord, in May, 1732, the remains of William, Lord Archbishop of this province, were taken up, by permission, in this Cathedral, and the bones of the skull were found broken; yet certainly he died by no

⁶ It was so found to be at the first inquest on the 12th Aug., 1758, at Henry Mellor’s house. See *ante* p. 46.

Eugene Aram.

violence offered to him alive that could occasion that fracture there.⁷

"Let it be considered, my lord, that upon the dissolution of religious houses, and the commencement of the Reformation, the ravages of those times both affected the living and the dead. In search after imaginary treasures, coffins were broken up, graves and vaults dug open, monuments ransacked, and shrines demolished; your lordship knows that these violations proceeded so far as to occasion Parliamenatry authority to restrain them, and it did about the reign of Queen Elizabeth.⁸ I entreat your lordship, suffer not the violence, the depredations, and the iniquities of those times to be imputed to this.

"Moreover, what gentleman here is ignorant that Knaresbrough had a castle, which, though now a ruin, was once considerable both for its strength and garrison. All know it was vigorously besieged by the arms of the Parliament; at which siege, in sallies, conflicts, flights, pursuits, many fell in all the places around it—and where they fell, were buried; for every place, my lord, is burial earth in war, and many, questionless, of these rest yet unknown, whose bones futurity shall discover.

"I hope, with all imaginable submission, that what has been said will not be thought impertinent to this indictment; and that it will be far from the wisdom, the learning, and the integrity of this place to impute to the living what zeal in its fury may have done—what Nature may have taken off, piety interred—or what war alone may have destroyed—alone deposited.

"As to the circumstances that have been raked together, I have nothing to observe; but that all circumstances whatsoever are precarious, and have been too frequently found lamentably fallible; even the strongest have failed. They may rise to the utmost degree of probability—yet are they but probability still. Why need I name to your lordship the two Harrisons, recorded in Dr. Howel,⁹ who both suffered upon

⁷ Cf. Drake's "Eboracum," where the author, an F.R.S. and F.S.A., states as an eyewitness of the removal of the bones: "The smaller bones, and those of the skull, which were broken, were wrapt in a piece of sarcenet double." It is odd that Aram does not cite this reference, which, unlike the preceding, does to a slight degree, bear him out. The reference is 1736 ed., p. 420. These remains, like Rosia's, were brittle, and largely pulverised, through age.

⁸ Probably Aram refers to I. Jac. I. c. 12, which made the taking up of bodies out of graves felony without benefit of clergy. Bristow's edition has "about the beginning of the reign," but subsequent editions omit these words.

⁹ Aram's reference is to William Howell, LL.D., in his "Medulla Historiæ Anglicanæ" (1742 ed.), II., 232. The case is also in "Howell's

The Defence.

circumstances, because of the sudden disappearance of their lodger, who was in credit, had contracted debts, borrowed money, and went off unseen, and returned again a great many years after their execution. Why name the intricate affair of Jaques de Moulin,¹⁰ under King Charles II., related by a gentleman who was counsel for the Crown; and why the unhappy Coleman,¹¹ who suffered innocent, though convicted upon positive evidence, and whose children perished for want, because the world uncharitably believed the father guilty. Why mention the perjury of Smith, incautiously admitted King's evidence, who, to screen himself, equally accused Fainloth and Loveday of the murder of Dunn, the first of whom in 1749 was executed at Winchester; and Loveday was about to suffer at Reading had not Smith been proved perjured to the satisfaction of the Court, by the surgeon of the Gosport hospital.¹²

"Now, my lord, having endeavoured to show that the whole of this process is altogether repugnant to every part of my life; that it is inconsistent with my condition of health about that time—that no rational inference can be drawn that a person is dead who suddenly disappears—that hermitages were the constant repositories of the bones of the recluse—that the proofs of this are well authenticated—that the revolutions in religion

State Trials" 14, 1312-24, and had been in Hargraves, Vol. IV., 204, X. Appendix 2, 29: it is also in Craik's "English Causes Célèbres" (1840), 255. It was also published in tract form, and three copies of the tract are in the Craufurd Collection in the Inner Temple Library, *ex libris* John Adolphus (D.N.B. I., 141-2), senior or junior, who has written on the fly-leaf of one, "the case is undoubtedly authentic." Its facts are worth stating. John Perry swore before a justice a circumstantial narrative of how his brother Richard and his mother Joan murdered William Harrison, steward of Viscountess Campden, he abetting them, on 16th August, 1660. All three were executed, after conviction at Lent Assizes in 1661. Some years later Harrison reappeared, asserting that he had been kidnapped, taken aboard ship, and sold into slavery in Smyrna. The case is also in the "Harleian Misc." (1808 Ed.), III., 547. Aram's reference is, as will be seen, inaccurate as to names, and he fails to bring out the salient point of resemblance to his own case, that a witness should in each case swear to presence at a murder not in fact (in his contention) committed to the endangering of his own life.

¹⁰ *Gentleman's Magazine*, 1754, pp. 404-6. A case of conviction upon very strong circumstantial evidence, for coming; it is followed in the *G.M.* by the "good uncle" case, cited by Thurtell.

¹¹ *Gentleman's Magazine*, 1749, pp. 139, 185; 1751, pp. 377-8. The case is also in the *Newgate Calendar*, and is referred to by Thurtell as "Holman's case," both in the *Times* report and in the *Newgate Calendar* (of 1840) report of his address. It is authentic. Coleman was convicted of the murder of a woman under atrocious circumstances. He had been with her shortly before, but left her, in fear of her actual assailants. Instead of surrendering, he fled from justice. His pusillanimity led to his undoing. A dying declaration by the woman partially exonerated him.

¹² *Gentleman's Magazine*, 1749, pp. 138, 291-3.

Eugene Aram.

or the fortune of war has mangled or buried the dead—the conclusion remains, perhaps no less reasonably than impatiently wished for. I, last, after a year's confinement, equal to either fortune, put myself upon the candour, the justice, the humanity of your lordship, and upon yours, my countrymen, gentlemen of the jury."

It remains to notice an allegation—apparently made more than once—that Aram was not the author of this famous address. At pp. 130-1 of William Grainge's "Nidderdale" (1863), there is a note to the effect that a Mr. Hopkinson, of Stamford, F.S.A., in March, 1863, at a meeting of the Bath Literary and Philosophical Association, stated "that the defence was written by a Mr. Mauleverer, . . . who had been brought up to the law, and travelled the Northern Circuit," and who "when in practice was notorious for the ingenuity and astuteness with which he conducted a weak case, but if he had a good case, for his maladroitness and indifferent management of it. In Aram's case St. Robert's Cave and the opportunity of exercising his talents in describing the mode and places of ancient sepulture tempted Mr. Mauleverer to write the defence, which was adopted by Aram. I had the above account from my father, who, when a young man, . . . had visited some friends of Mr. Mauleverer, then alive, about fourteen years after the trial, and they always believed and confidently asserted that Mr. Mauleverer was the real author, and that, in fact, Aram was not up to it." We are not informed whether this was a specimen of Mr. Mauleverer's astute conduct of a bad case, or otherwise. The Bath papers for 1863 do not report Mr. Hopkinson's address, though a meeting of the Bath Royal Literary and Scientific Association was reported in two papers on the 21st of March, when the secretary acknowledged the receipt of £5 from the Philosophical Society, an independent body.

Mr. Hopkinson's presence was not mentioned in either paper, and my utmost diligence has failed to trace any further account of this singular effort in iconoclasm. Grainge ridicules the whole thing, roundly asserting that no Mauleverer, "the head of the family," as Hopkinson put it, was then alive, the last, according to him, having died in the previous century. Here he is wrong, for the manuscript records of the Inner Temple contain the following entry:—

"Thomas Mauleverer, generosus, filius et heres apparens
Timothei Mauleverer de Arncliffe, in parochia de Ingleby,
in comitatu Ebor, Armiger, admissus est . . . tercio
die Julii A.D. 1736."

Whence we may infer that he was at the bar and on the Northern Circuit in 1759, and had succeeded his father as head

Mauleverer's Claim Ill-founded.

of the family fourteen years later. This, however, is no more a proof of his having composed the address than the bricks " . . . alive at this day to testify it " of the chimney made by Jack Cade's changeling father were evidence of Jack Cade's descent from the great Mortimer.

Mauleverer's name is unknown to the Reports, and his " ingenuity and astuteness " escaped the notice of contemporary attorneys. Nothing in the matter or manner of the address is inconsistent with the view that Aram composed it. It is the effort of a scholar—remote, indeed, from his books—not of a barrister. No barrister could have failed to cite correctly the case of *R. v. Perry*, which was then, as it is still, in the " State Trials," a work of authority; no barrister, as Charles Phillips's oration for Thurtell shows, would have failed to insert a passionate protestation of innocence, not as being in itself entitled to credit in a prisoner's mouth, but because its omission must create an impression in the highest degree sinister. Even the verbal peculiarities of Aram stamp the address as his, as, for instance, his curious use of the word " supersede," which twice occurs in the same sense in the " Essay Towards a Lexicon," or his characteristic phrase, " I humbly conceive," which also occurs there; so do the slips of memory—evidently the consequence of confinement and of the inability to refer to his books.

Moreover, the failure to present any consistent view of the defence—to reconcile the various conflicting statements of the accused—to deal, though it could, in a written speech, be only by way of anticipation, with the case for the Crown—all these defects point to the address, masterly in some respects, admirable in its literary finish, as the work of a man indeed " wholly unacquainted with law, the customs of the bar, and all judiciary proceedings."

The sole indication of its being the work of another hand lies not in its erudition—that was well within Eugene's compass—but in its eloquence. However, a man is not tried for his life every day, and Aram was determined to rise to the occasion, like Lacenaire, and to fix the attention of the world upon him ere he quitted the scene, and, like Lacenaire, was more concerned with producing an impression than procuring an acquittal. The words, " equal to either fortune," pregnant with the man's real feelings, are almost enough by themselves to exclude Mauleverer's authorship. No professional advocate sits down with a final observation that he more than half expects his client to be hanged. In the " deadeast " case he must still " confidently claim a verdict of not guilty at your hands, gentlemen."

CHAPTER X.

The Effect of Aram's Address—Its Singularity—A Critical Estimate of it—Favourably Noticed by Writers on Medical Jurisprudence—Probable Impression Produced on Noel—James Allan Park, J., on Thurtell's Defence—Noel's Summing-up—The Verdict—Aram to be Hanged and Dissected—The Sentence Altered—Evidence from the Records—The Practice of the Times—Terry's Acquittal—True Story of the Murder Unknown—Remains Subsequently Found in the Cave—Did Aram Murder Others?—Ruloff—Close of the Assizes.

OF the effect which this celebrated address produced on the auditory we have varying accounts. The contemporary newspapers unanimously record that, "Considered as a defence, it could not avail to exculpate him, but as a composition it was greatly admired for the closeness and acuteness of the reasoning." On the youthful Paley, aged about sixteen, it produced, says his biographer, a deep impression. Samuel Parr, the famous headmaster, spoke "of Aram's defence in the highest terms of approbation for its eloquence and reasoning."¹ Bulwer and Bell² go so far as to state that a verdict of not guilty was expected at its conclusion, but nothing in contemporary accounts gives them the least support. "It availed him but little," says the York Pamphlet. Yet an appreciation of its merits as a composition was universal. "What this Eugene is remarkable for," comments the *London Magazine* for August, 1759, "is having read a very extraordinary defence, which he had drawn up with great art, and in no inelegant style."

Smollett, in the *Critical Review*, justly observes, "In his defence, which, however, seems to be as good as his cause admitted of, he does not confute anything here alledged against him." It is, indeed, the most singular *apologia* in existence. None, not even that of Socrates, condescends so little to any notice of so vulgar a thing as evidence. Thurtell, Donellan, and many others whose fates are to be read in the "State Trials" or in less reliable compilations, do make some endeavour to meet the case against them. From beginning to end Aram mentions not one name of any witness against him. Clark's

¹ Ex. rel. Capt. Davy, R.N., per E. H. Barker.

² "His defence made such a forcible impression, that it was the general belief a verdict of not guilty would be returned." p. 45 and cf. 47.

Aram's Alleged Surprise.

name escapes him but thrice. It is possible to suppose with Bulwer that "his silence might have been the natural result of a disdain that belonged essentially to his calm and proud character." In this there is some truth; but those who were to pass upon his life were fairly entitled to the conclusion that his silence arose from his not having anything to offer in answer.

One false impression cannot be too strongly exposed. From a very early period³ it has been put forward that Aram failed to notice Houseman's evidence, because his "defence was drawn up long before his trial, and he seems not ever to have entertained a suspicion of the fidelity of his comrade." "Up to the very day of his trial he evidently had little idea of Houseman's being a witness for the Crown," says Scatcherd. "He never seems to have entertained a suspicion that the evidence of a man so utterly worthless as Houseman would have had any weight with the judge or with the jury," observes Bell. Mr. Irving is thus not unnaturally misled into remarking, "To the surprise of Aram, Houseman, who had been previously arraigned and acquitted, appeared in the box as a witness for the Crown. It may be partly due to his surprise at this proceeding that in his now famous defence he made no effort to reply to the evidence against him." Dr. Garnett fares no better. "Aram was . . . apprehended, Houseman appearing as the sole (?) witness against him. He defended himself with extraordinary ability, laying but little stress on the tainted character of Houseman, who he probably thought, when he prepared his speech, would not be admitted to give evidence." We have seen how far Houseman was from being the sole witness; we have also seen that "Mr. Recorder's letter" informed Eugene of Houseman's turning approver some months previously, and on 2nd June we find him writing to Etherington to know if this can be allowed, when he was doubtless informed that it could.

Three views of the address remain to be noticed—the view that it was a work of the most extraordinary erudition, the fruit of years devoted to it, under the chill apprehension of ultimate discovery; the view that the incidents and instances relied on were purely apocryphal, and the absence of any denial of guilt in direct terms tantamount to its admission; and the view of it as a reasoned effort to show that the *corpus delicti* was not proved beyond reasonable doubt, or in other words the view of it in the light of forensic medicine. The first view was voiced in particular by the author of the "Evidences of Christianity," but Paley was but a lad when he heard the address. It may be doubted if he ever traced a single reference

³ Occurs as early as the 1767 edition, which omitted the letter of 2nd June.

Eugene Aram.

of Aram's to its source. His well-known apophthegm that "Not every one hanged himself by his own cleverness, as Aram certainly did," seems shallow and unjust when once the address is critically examined. "That laboured address to the jury must have employed his thoughts for years," wrote a contributor to *Notes and Queries*. "Aram's defence was so clever that he must have spent the whole fourteen years in preparing it" is said by Mr. J. M. Richardson to have been the comment of Noel—an observation, assuming as it does the prisoner's guilt, that the judge would never have made. Such criticism could be multiplied.

* Passing over William Thompson's case, whose escape was advertised in the papers, and of which Aram must have heard from his gaolers, we observe six of Aram's instances are to be traced to the *Gentleman's Magazine*, of which he was a reader, and to which, in the name of "John Atkinson," he contributed a panegyric on Thornton in 1758; there is a reference to Dugdale which is apparently inaccurate; another, which certainly is, to Dr. Stukeley; another, though the authority is not cited, to so familiar a book as Drake's "Eboracum," and a final one to Howell's "Medulla Historiæ Anglicanæ," wherein may also be found the references to Perkin Warbeck and Lambert Symnel, if we are to suppose the quinquagenarian schoolmaster previously unacquainted with their histories.

The reference to Howell's account of the "Campden tragedy" is so inexact as to rebut the inference that the composition represented the labour of years of liberty rather than the effort of a mind, unassisted by books, seeking material in a dungeon.

No less singular than the foregoing views, and equally erroneous, is the conclusion that Aram coolly invented the cases he referred to in his address. One writer, indeed, only ventures to put this as a conjecture;⁴ but another boldly states it as a fact. "There can be little doubt that the impression made by the delivery of such an elaborate essay on the finds of apocryphal skeletons by a man who was on trial for his life on a charge of murder was the reverse of what was intended."⁵

There is less doubt, perhaps, of the extreme impertinence, in either sense of the word, of such silly and ignorant criticism. But the gods are just, and have made instruments to plague Aram's vexed spirit in the persons of critics of this calibre. The commonest of all lay criticisms, however, is that "Aram nowhere directly asserts his innocence." It would have been easy for Aram to have concluded with a peroration like Thurtell's, dramatically striking his breast as he thundered forth,

⁴ 1st Ser. *N. & Q.* II., 360.

⁵ W. I. Newsam, "Poets of Yorkshire" (1845), p. 65.

Medico-Legal Merits of Defence.

"So help me, God, I am innocent." But such a theatrical device, well enough for a Surrey melodrama, was foreign to Aram's delicate literary taste and to the severely logical habit of his mind. Realising that no allowance would be made by reasonable men for protestations of innocence by those in his situation, he forbore to make any, oblivious of the fact that reason is seldom employed by the mass of men to guide the mind to a conclusion, but that the greatest weight has always been considered to attach to an accused's own statement as to whether he be guilty or no.

By writers on medical jurisprudence, the merits of the defence have been fully recognised and placed in their true light. Thus Paris and Fonblanque, after paying a high tribute to the skill of the argument, print the entire defence in an appendix—a compliment never, it is believed, paid to any other. Taylor also appreciates the force of Eugene's remarks. He says—"The case of Eugene Aram also furnishes an instance of the necessity for closely examining skeletons when it is suspected that the individuals have died from murderous violence. . . . Aram's defence throws some light upon the questions which are apt to arise when evidence is given from the examination of exhumed bones. Thus we find these points strongly urged, involving the consideration of the time required for the destruction of the skeleton, and therefore of its identity; of the form, situation, and appearance of a fracture of a bone, so as to enable a medical witness to determine whether it be of recent or of old standing, and whether it was likely to have been caused by accident previously to or during the exhumation, or had arisen from the direct application of violence to the skull during life. Lastly, a clear determination of the sex was required from an examination of the bones."

The Lancet of 4th May, 1912, observes, "His defence was a masterpiece. . . . His speech on cave burial strangely resembles a Hunterian lecture."

It is improbable that Noel was favourably impressed by the address; to its literary qualities he might not have been indifferent, having cultivated studies not dissimilar to Eugene's in the leisure of earlier life, and being reputed a book lover by the celebrated antiquary, Samuel Gale. But the cases referred to by Aram were to be found in books which, if known to the judge, he must yet have viewed with professional suspicion. The only case likely to be known to the Court—that of the Perrys—was so mis-cited by the prisoner that it probably failed to meet with Noel's recognition, and, as for the rest, a fair idea of the weight allowed them may be gathered from the observations many years later of Mr. Justice James Allan Park upon the analogous part of Thurtell's celebrated oration. "He could

Eugene Aram.

not help saying that . . . if it had been the wish of the parties to have weakened their defence as much as possible, they could not have effected their purpose better than by quoting cases from the 'Newgate Calendar,' the 'Percy Anecdotes,' and other volumes, of which no lawyer knew anything, and which, for anything he knew, might be mere volumes of romance."⁶ He referred to the whole of this part of the defence as a "farrago of nonsense." Substitute the *Gentleman's Magazine*, Dr. Stukeley, and Dr. Howell for the authorities which so failed to appeal to Park, and a fair idea may be obtained of how Aram's Hunterian lecture impressed the occupant of the bench.

However that may be, all contemporary reports, in vehement contrast to later writers, attest Noel's impartiality. "On the judge's summing up to the jury in the most fair and candid manner," observes the York Pamphlet, "they, after a very short consultation, brought him in guilty of murder." "The judge stated the evidence to the jury; and after having observed how the testimonies of the other deponents confirmed that of Houseman, he proceeded to remark upon Aram's defence, in order to show that he alledged nothing that could invalidate the positive evidence against him."⁷

No more elaborate account appears until we come to Bulwer's romance. The author, after deploring the absence of any detailed memorial, proceeds to exercise the licence of the novelist in reconstructing, for the purposes of fiction, what the judge might have been supposed to say. This is proper enough in a work of imagination, but it hardly affords Bell an excuse for coolly plagiarising an entire passage, barely altering a word, and putting it forward as a version obtained from a gentleman "more than forty years ago." It is such errors of taste, to put it mildly, which subtract from our respect for Bell as an independent seeker after truth, and make us

⁶ *The Times*, 8th Jan., 1824. Mr. John Barbot had cited the same cases in 1753, when they were similarly dismissed as invented for the occasion. See 18 St. Tr. 1303-4. I cannot help remarking that with unconscious irony the New York Appeal Court in *Ruloff v. The People* (4 Smith N.Y. Rep. 179) cites Park, J. in *R. v. Thurtell*, from the "Chronicles of Crime, or New Newgate Calendar," a work by a fictitious member of the bar, "Camden Pelham."

⁷ Appears as early, at least, as Etherington's 4th ed., 1767, published at York. Etherington was perhaps present. Bristow and the newspapers say nothing of the summing-up, but that Noël was, on the strength of "mimed versions of the trial," subjected to criticism, appears from the *Gentleman's Magazine* for 1759. Bulwer's remarks (plagiarised by Bell), put into the mouth of the judge, on the "eloquence and art" of the address, appear to be mere fiction.

Bell's Plagiarisms.

vehemently suspect him of invention, whenever he states a fact incapable of verification.⁸

Contemporary accounts of the summing-up being such as we have seen, what, we may well ask, is the justification of those who from time to time libel the administration of justice by writing that Aram "had a Jeffreys for his judge,"⁹ or that "his conviction was a disgrace to the bar and to the nation,"¹⁰ or that "no British judge would be found at the present day who would sum up with such a hostile feeling to the prisoner as Judge Noel certainly manifested,"¹¹ or that "Noel certainly shows in many ways a strong bias against Aram? To suggest that the man had a fair trial would be ridiculous."¹²

While nothing remains of the summing-up, we may yet be certain that it dealt adequately both with the law applicable to the case and with the facts. So much criticism has been expended on the case by writers destitute of all knowledge of

⁸ Bulwer, 1831.

He stated the evidence with peculiar care and at great length to the jury. He observed how the testimony of other deponents confirmed that of Houseman, and then, touching on the contradictory parts of the latter, made them understand how natural, how inevitable was some such contradiction in a witness who had not only to give evidence against another, but to refrain from criminating himself. There could be no doubt but that Houseman was an accomplice in the crime, and all therefore that seemed improbable in his giving no alarm when the deed was done was easily rendered natural and reconcilable with other parts of his evidence, &c.

⁹ "Mem." 32.

¹⁰ "Mem." 33.

¹¹ Bell 48, n. Andrews' "Historic Yorkshire," p. 160, speaks of the summing up as "the utterance of a bloodthirsty prosecutor." The most singular result of Bell's production was the effecting of a complete change in the tone of the *Gentleman's Magazine* towards Aram. In reviewing Bell, misdescribed as "12mo., pp. 124" (it is octo.), "Mr. Urban" proceeds, "With regard to the innocence of Eugene Aram there can be but one opinion; nor is it a little proof in his favour that Paley, even, who was present, thought him guiltless, and we have no hesitation in saying that had not Judge Noel gone out of his way to act the advocate (anxious to show his skill in detecting what he was pleased to call Aram's cold and rhetorical defence, as if any man conscious of his innocence would condescend to make an appeal to the feelings of a jury), this victim to a judge's self love would not have been sacrificed." *G.M.*, 1832, p. 448.

¹² *Yorkshire Notes and Queries* (new series), iv. 138.

Bell, 1832.

He then recapitulated the evidence at great length to the jury. He observed how the testimonies of the other deponents confirmed that of Houseman, and then, touching on the contradictory parts of the latter, he gave it as his opinion that some such contradictions might naturally be expected, and, indeed, were inevitable in a witness who had not only to give evidence against another, but refrain from criminating himself. There could be no doubt, he said, but that Houseman was an accomplice in the crime; and all therefore, &c. (as in Bulwer).

Eugene Aram.

legal principles, who think it to the purpose to argue that Houseman himself may have struck the blow, that some examination of the law of murder is essential. The judge would have explained to the jury that before they could find the prisoner guilty they must be satisfied that the remains produced were those of Daniel Clark, and that he had met his death by felonious violence. If they were satisfied on that point, the question would arise whether the prisoner was so involved in the affair as in the eye of the law to be guilty as a principal. He would have explained that a common intention to commit a murder or felony made the act of one the act of all; that "presence at the commission of a felony" was not confined to mean a strict actual presence, such as would make a man an eye or ear witness of what passed, but that a man might be involved who was utterly out of sight or hearing of what passed; as, for instance, if he watched at a distance to prevent a surprise. Further, he would have added, where several people joined to do an act in itself unlawful and death ensued from anything done in the prosecution of that unlawful design, it would amount to murder in all those who were present (in the sense explained), aiding and abetting the unlawful design, "though it were but a bare trespass." So that a man might in judgment of law be guilty of murder "when possibly his heart abhorred the thoughts of it." He would have proceeded to show that if they accepted the prisoner's story, as it stood in his second examination, that he went to the cave to keep watch while Terry, Clark, and Houseman broke up the plate obtained by fraud, and came to the conclusion that the death of Clark occurred in the course of that unlawful project, Aram would, in the eye of the law, be guilty of his murder, though having no actual part in the killing and howsoever that had happened, whether by mischance or design.¹³

He would have proceeded to deal with the proof of the *corpus delicti*, observing that while little enough of credit attached to the direct evidence of Houseman, it was highly important to remember that a body was on the previous 17th of August found in the cave precisely where the heckler had indicated; and that the body so found appeared to have sustained a severe fracture of the skull sufficient to account for death. They would have to consider what motive Houseman could have for imperilling himself by saying he had been present at Clark's death if such were not the case. He would have adverted to the prisoner's contention as to this—"Might not a place be mentioned by a person by chance as well as found by a labourer by chance? Or is it more criminal accidentally to name where

¹³ Cf. Foster's "Crown Law," Discourse Three. Also *R. v. Jackson*, 18 St. Tr. 1071-3.

The Summing Up.

bones lie than accidentally to *find* where they lie?"—and have asked them how the argument would hold applied to the ordinary concerns of life—if, for example, a man found a bank note in a secret drawer of a bureau they might admit a finding by chance; but if a man said, "In such a bureau is a secret drawer wherein will be found a note for so much," and it was so found, would any reasonable man believe that he spoke otherwise than from knowledge that it had been put there? That was the case before them; for the body was not only found with its head to the right, as Houseman had said, but the medical evidence confirmed him that it was the body of a man whose skull had been fractured.

He would have next gone through the evidence of the witnesses who proved seeing Houseman and Aram in company with the supposed deceased at various hours of the night—Bransby, Barnett, and above all Tuton, commenting on the alleged attempt at concealment of their persons by the heckler and the usher, and on the incident of Tuton's pick—for what purpose it could have been taken, why it was not borrowed openly, and why not returned. Next he would deal with the evidence of Peter Moor, Coates, and Latham, showing Clark to have been possessed of £200 in cash, of plate, &c., and that Aram, after the disappearance, appeared for the first time to have a ready command of money, observing how unfortunate it was for the prisoner that he could only tell them in his first examination that he was unable to recollect what these witnesses deposed, and that in the defence to which they had just listened he had made not the slightest reference to any part of all this evidence.

Dealing with the theory of Clark's flight, he would have recalled the fact that Peter Moor had sufficient confidence in his master to lend him £38 but a few days before, and that Dorothy Clark, Coates, and Hardcastle had given evidence, whence they might infer that, whatever the state of his affairs, he did not go nor intend going off on the night of his disappearance. Beckwith's and other similar evidence being passed in review, the judge can not have failed to deal fully with the prisoner's own statements relative to the missing of Clark. How first to Peter Moor he denied knowing Clark at all or even Knaresbro'; how, confronted with Barker, he abandoned this position (cautioning them against giving too much weight to the matters of prejudice introduced by this witness, as the York Pamphlet tells us he did); how, first examined by Thornton, he would not admit going to the cave at all or knowing anything about Clark's frauds at all; how at his own request he, the same day, withdrew all this, admitted going to the cave and being privy to the beating up of the plate, and could only say as to the murder that "he can't tell if he was murdered or not" by the others. How, finally, in his

Eugene Aram.

address, he shifts his position again, poses as a man of unblemished reputation, and apparently forgetful that he had admitted going two nights running to the cave, claims to have been so feeble and valetudinary as to have been unequal to such an excursion—indeed, reduced to crutches. The prisoner's arguments on the medico-legal questions as to the age and sex of the bones, and whether the fracture was "the cause or consequence of death" having been contrasted with the evidence of Locock—conclusive, apparently, on the latter point—the judge may have proceeded to deal with the prisoner's observation on the danger of convicting on circumstantial evidence. Whether or not he treated Aram's instances as disrespectfully as Park did Thurtell's, he probably used language much similar to Park's, as reported in the *Times*.

"Yet circumstantial evidence in the testimony of all persons who were accustomed to attend judiciary proceedings . . . was considered as more satisfactory in producing conviction in the human mind than the direct testimony of any single individual who saw the crime in question committed."

Finally, remarking upon the prisoner's evident abilities and upon the good character he claimed, he would have observed that neither could prevail where no rational doubt existed, and that it was for the jury to say whether, upon the whole, they felt such a doubt; if not, they must do their duty. . .

The judge having told the jury to consider their verdict, "they immediately brought him in guilty." The York Pamphlet speaks of a "very short consultation." It seems unlikely that they retired. Etherington says that they did not. According to Caulfield, who adopts capitals for emphasis, the verdict was "to the satisfaction of the Court," but whether he means Noel or the auditory is not clear. Beatniffe says that there was "not the slightest doubt of his guilt." According to Dr. Kippis he deservedly fell by the hands of the common executioner. "Aram's sentence was a just one," was the contemporary opinion as expressed by Bristow. Nor was any contrary tendency apparent until many years had elapsed and Aram had been elevated into a hero of romance, a position from which he has never since been entirely deposed. With Bulwer's novel came the turn of the tide. Bell, professing to have it from a conversation with a gentleman "more than forty years ago," speaks of the verdict as "contrary to the general expectations." After some remarks, already quoted, about the judge, he proceeds to add that he "is still more convinced that no twelve men could now be found in England who would return a verdict of guilty against such a man as Eugene Aram on such evidence as was offered against him."¹⁴

¹⁴ p. 48, n.

The Verdict Impeached.

Bulwer observes that "in the present day a man tried upon evidence so scanty and suspicious would unquestionably escape conviction."¹⁵ To Scatcherd, of course, the conviction of Eugene was as flagrant a miscarriage of justice as the acquittal of Terry, though against the ale-draper we can discover no evidence at all!

The strongest impeachment of the verdict is in an initialled article in the *Leisure Hour* for February, 1885—"The real story is so little known, and doubts of so impressive a character have been brought to bear upon the extent to which Aram was involved, that it even seems mysterious how a verdict of guilty should ever have been returned, and it is certain that no one could be convicted in the present day upon such evidence as condemned him."

Harry Speight sums up his views in much the same way—"At the present day there is no doubt he would have escaped the hard penalty which he suffered."¹⁶ "Whether the learned culprit was actually guilty of the desperate crime of which he stood accused will probably never be known. The evidence against him was certainly deficient, and had such a case been tried at the present day there is no doubt that he would have escaped the hard penalty which he suffered."¹⁷ It is difficult to assign any meaning to such passages; either Clark was killed while Aram was admittedly at the cave for an unlawful purpose, or he was not; the cobbler disappeared either above ground or below; Aram was either guilty of murder or nothing. So much nonsense has been talked by Scatcherd, whose legal training ought to have taught him better, by Mr. Richardson, and others about it being a case of manslaughter, that it must be insisted that, whoever broke the cobbler's skull, Aram, if present for an unlawful purpose, was guilty of his murder.

To the same effect is Mr. J. S. Fletcher, who speaks of Eugene's guilt as "veiled in uncertainty,"¹⁸ and Mayhall, who observes, "Aram was convicted and hung on evidence which would not now induce a jury to give an adverse verdict even on a most trivial charge. Scatcherd's opinion on a subject of this kind is entitled to some weight."¹⁹ "The evidence for the prosecution was of the weakest and thinnest; the allowance

¹⁵ 1840 ed., Preface.

¹⁶ "Upper Nidderdale," p. 77.

¹⁷ "Nidderdale," p. 249. On the same page the author states that the body found on Thistle Hill "ultimately proved to be that of . . . Daniel Clark." On p. 248 he describes how Aram hid the body of Clark in the cave on the other side of the river! Andrews ("Historic Yorkshire," ch. 23, p. 157) also confounds this body with Clark's.

¹⁸ "A Book about Yorkshire," p. 322; "Pict. Yorkshire," IV., pp. 25-27.

¹⁹ "Annals of Yorkshire," I., p. 384. Cf. Grainge, p. 131.

Eugene Aram.

of damaging statements not evidence is amazing, and the whole proceedings at the trial appear to have been scandalously unfair," wrote the late E. M. Beloe.²⁰ "I believe that as early as the day of his execution the judge and grand jury knew that a great error had been committed, and saw the necessity of hushing up the voice of independent inquiry," thus Mr. J. M. Richardson, to whom Aram appears as the "Dreyfus of the eighteenth century."²¹

"To suggest that the man had a fair trial would be absurd," says a contributor to *Yorkshire Notes and Queries*. The reader of these pages will be able to assign their proper weight to these criticisms, which mostly involve the assumption that the Crown had to prove which particular hand struck the blow.

A Verdict in a criminal case was then taken with some picturesque ceremonial, long vanished. The prisoner was bidden for the last time to hold up his hand, the jury were bidden to "look upon the prisoner." Having found him guilty, they next found that he had no goods or chattels, lands or tenements at the time of the murder or at any time since. The gaoler or the executioner was bidden to "see to him and tie him up,"²² and there followed the familiar "allocutus," the calling on the prisoner if he had anything to say. It is not recorded that Eugene said anything, and after the usual proclamation for silence the Court passed sentence under the terms of the recent statute, 25 Geo. II. c. 37. This Act first gave statutory recognition to the practice of hanging in chains as part of the punishment for murder; but, by a resolution of the judges of 1752, it had been agreed that only the "dissecting and anatomising" should be part of the sentence, and that, if it should be thought advisable, the judge might afterwards, by special order to the Sheriff, direct the hanging in chains. The minute book distinctly establishes that the practice was in this case adhered to, as afterwards in the case of the notorious Tom Lee. The statement in the York Pamphlet that the sentence was altered at the request of the grand jury is thus neither confirmed nor refuted; but the fact that the hanging in chains could form no part of the original sentence answers the sorry nonsense of Scatcherd about the barbarity of the alteration.

Of Aram's demeanour at the close Etherington gives us a curious glimpse in his edition of 1767—"Without leaving the Court the jury presently found the prisoner guilty. During

²⁰ *Lynn News*, 18th June, 1898.

²¹ *Leeds Mercury*, 11th November, 1899.

²² Apparently the culprit was sometimes tied up by the thumbs. See a print in T. Seccombe's "Twelve bad men" of Charteris so tied. Such tying was also a mild alternative for *peine forte et dure*.

Eugene Aram	Attainted of Murder, To be hanged withstanding the 6 th day of Aug ^r next and his body to be hanged on Chais upon Gaes-bro' & rest near to the Tower of Gaesbrough
Otherwise Eugene Aram	
William Cockburn	Attainted of Burglary & felony To be hanged
John Cockburn	
John Goodaire	Guilty of receiving stolen goods knowing them to have been stolen To be imprisoned for 14 years pursuant to the form of the Statute
George Mason	Guilty of Grand Larceny within the benefit of the Statute & having been burnt on the left hand To be discharged
James Weatherill	To be transported for fourteen years according to the form of the Statute assigned by the Secretary of State's Letter
Stephen Byas	
Richard Houseman Henry Jerry Mary Wilson & Isobel the wife of William Cockburn otherwise Isobel Brown Richard	Not Guilty, To be discharged

A page from the Northern Circuit Gaol Book.

(Photo. by A. P. Monger, London.)

The Mysterious Fourth Man.

the whole trial he behaved with great steadiness and decency. He heard his conviction and received his sentence with profound composure, and left the bar with a smile on his countenance. Whether this was the expression of indignation or the affectation of heroism we pretend not to determine."

Henry Terry was next put to the bar. He was indicted, say the contemporary newspapers, as an accomplice, a word covering "abetting," "counselling and procuring," and "comforting and assisting." On whose evidence the grand jury had found a true bill against him cannot be ascertained; his indictment is missing; no surviving depositions touch him at all; Aram, already *civiliter mortuus*, as a capitally convicted felon, would have been incompetent to testify. No evidence, it is said, was offered against him, and he was at once discharged. "This fellow," observes the York Pamphlet, "had the audacity to ride out of York in a triumphant and boasting manner, wearing a green cockade in his hat, in contempt and derision of the malice of his prosecutors."

It is boldly asserted in this pamphlet that a fourth man preceded Aram and the heckler and their victim to the cave, keeping on the other side of the road, and that this man was not Henry Terry. "We have," it adds, "from many circumstances . . . and from the words and actions as well of Aram as of Houseman, the strongest and most presumptive reasons to induce us to think him a different person. . . . A fourth, who is as yet undiscover'd, there certainly was, and of Aram's acquaintance and procuring." Houseman, it will be remembered, did in his first examination speak equivocatingly of a strange man whom Clark and Aram followed into the market-place. The language of the pamphlet, with its direct reference to the words of Aram, points strongly in the direction of Iles as the other confederate. The suppressed passages in the second examination implicate him; that the suppressed passage in the letter taxed him with complicity in the murder seems a vehement probability.

It is quite certain that the true story of the murder lies buried with its perpetrators. That Clark ever came alive to the cave seems doubtful. The local tradition, preserved by Walbron, that the plate was beaten up at Robert Terry's house at How Hill is far more likely than Eugene's account of the matter. The cave, even in 1744, was not an unfrequented spot, for the diligence of the Rev. Mr. Joy has disclosed a carved date, 1737, upon the rockwork on the left of the entrance, and Thomas Gent had referred to the cave in his work on Knaresborough of 1733.

Whether killed in the cave or carried there dead, that Clark met his death through a preconcerted scheme of murder

Eugene Aram.

admits of no doubt. The occasion was chosen when the protection of his servant and the company of his wife were both withdrawn; that simple robbery was the motive, and that the killing of Clark formed no part of "the premeditated design" of Aram, at least, as Bulwer pretends, will not bear a moment's scrutiny. The robbery of Clark by persons perfectly well known to him could only have resulted in their conviction and execution unless they fled their country. Everything points to a well-conceived scheme of murder. The time chosen, which would leave many hours of darkness for the burial of the body, the care with which the body was stripped, the cunningly selected site for the interment, the speedy despatch when once the marriage portion had been paid over, all point more to a calculated crime than to a crime of impulse. That the site was selected by Aram with a view to the artful defence that he subsequently set up is, perhaps, no very forced conclusion. The cave he then knew to have been occupied by a hermit, and many years later, in 1833, the bones of a recluse were discovered just outside it.

"Chance brought to light," wrote the late Dr. Granville, "an excavation 2 feet deep made in the solid rock, with hollows at the bottom to receive certain projecting parts of a human body—such a one having been found there in it in a state of decay at the time of the discovery."²³

The doctor opines that, had the discovery been made before the conviction of Eugene, it "would have snatched guilt from punishment." I can see little reason to agree in this. These remains, like Rosia's and St. William's, were much decayed. A silver coin was found with them. Their great antiquity was manifest; nothing of the sort appeared in the case of the remains found by Houseman's direction. Calvert, too, insists that "had Eugene Aram known of the grave in the floor of the little chapel [he does not mean what is known as St. Robert's Chapel; that is some distance from the cave.—E.R.W.] . . . it would have added very much to his artful and specious defence that the skeleton . . . was the remains of an anchorite, who had there prepared his place of sepulture." To which it may suffice to reply that this grave would have been equally known in that case to Richard Houseman, and his ability to point it out as strong proof of his story as he actually offered.²⁴

²³ "The Spas of England" (1841), I., p. 95. Cf. Timbs' "Abbeys, Castles, and Ancient Halls," I., 285-7, and Calvert's "Knaresborough" (1844), 116.

²⁴ Cf. the *Quarterly Review*, vol. 133, p. 12, to the same effect. The excavations were made not within, but outside the cave's mouth. The objects discovered were removed some years ago to St. Robert's Chapel.

A Plurality of Murders.

It is advisable here to gather up the evidence that Aram was concerned in more than one murder. Of legal evidence there is, of course, none. That he was involved in some dark transactions prior to the murder of Clark appears from an anecdote in Bell that, some little time before the cordwainer disappeared, one of the Spences, riding over to see Anna, was bidden by her to return at once and not stay the night, as there was something amiss in the house.²⁵

The body found on Thistle Hill, interred without a coffin or apparently any clothing by which it might be identified, was seemingly that of a young man; the cause of death was not, indeed, ascertained, but if Mrs. Leetham was right that body was interred one night about the very time of Clark's murder. Coates, on the other hand, swore that no one but Clark had been missed from the neighbourhood. Against that is the united testimony of the York Pamphlet, Bristow, and of the "letter from Yorkshire," that the Jew and his man had disappeared. So firmly was the belief in a triple murder entertained at that time in the locality that Scatcherd tells us he saw a manuscript poem by Thomas Gent on the subject. Again, the discovery of a second corpse on Thistle Hill many years later is a slight confirmation of the legend.²⁶ If the story be true, it would explain the possession by Aram and Houseman of an amount of booty exceeding their probable share in the plunder of Clark. For Eugene, though compelled to disgorge a great part of his share to Iles, arrived in London (if we credit the lady of pleasure) with a sum surpassing Clark's entire fortune, and Houseman waxed rich so suddenly as "to some gave great suspicion." This is hardly consistent with the view that their wealth was in each case but a fourth or fifth part of a treasure for the restoration of which, entire, but £15 had been offered—the two Terrys and Iles presumably dividing the rest.

If the confederates were, indeed, involved in these other murders, we are still at liberty to suppose Clark at least no party to them, although tradition has it otherwise; his position has already been reviewed; it cannot be denied that much mystery remains. His dealings with the leather are difficult to understand. Why does he call Tuton up twice, late on a winter's night, to leave leather? That he aroused the mason by sending his apprentice negatives the notion that he was bent upon concealment of so inexplicable a transaction. Why Tuton should suffer himself to be put to the inconvenience of rising at three in the morning to take in leather was, we may suppose, explained upon the trial.

²⁵ Bell, p. 54, n.

²⁶ Gl's. 62-63.

Eugene Aram.

If Aram was a triple murderer, his case the more resembles that of his American counterpart, Ruloff, of whom Professor Goldwin Smith²⁷ writes—"We had something like a counterpart of him (Eugene Aram) at Ithaca, in the person of one Ruloff, who in a remarkable way combined criminal propensities with literary tastes, being a great philologist and engaged in the invention of a universal language. Ruloff committed a series of robberies and murders, the series of murders beginning with those of his wife and daughter. On that occasion he escaped justice through the absence of a *corpus delicti*, Lake Cayuga, into which he had thrown the bodies, being undredgable. He wandered into Virginia, where he committed other crimes, all the time working at his universal language. Returning to his old haunts, he again committed robbery and murder, and again fell into the hands of justice. The opponents of capital punishment petitioned against his execution on the stock plea of insanity and on the somewhat inconsistent ground that he had invented a universal language, and that by hanging him a light of science would be put out. . . . Ruloff was hanged. His forehead bespoke intellect, but the width of the head between the ears gives it the aspect of that of a bull."

Whatever may be the truth as to these other murders, we are not to suppose that such vile calumnies as the "Letter from Yorkshire" were suffered to prejudice Aram's fair trial. Like scandalous publications against Miss Blandy were gravely

²⁷ "Reminiscences," p. 386. For the career of Edward Howard Ruloff, America's remarkable criminal scholar, see "The Man of Two Lives—Edward Howard Ruloff, Philologist and Murderer" (1871), "The Life, Trial, and Execution of E. H. Ruloff" (1871), Barclay (America); and the following Law Reports:—*People v. Ruloff*, 3 Parker's Cr. Reps. 40 (1858); *Ruloff v. People* (motion for new trial), 4 Smith, N.Y. Rep. 179 (1859), where the conviction of Ruloff of the murder of his child was quashed on writ of error; also *Ruloff v. People* (1871), 45 N.Y. Reps. 213, 5 Lansing 26, and Abbott's Pr. Reps. N.S. 245; sustaining Ruloff's conviction for the murder of Merrick. The *N.Y. Tribune* for 12th January, 17th, 18th, and 19th May, 1871, gives particulars of his conviction, last hours, and execution, and specimens of his philological treatise, "Method in the formation of Language," in which the murderer quotes six ancient and modern languages. He had studied law under Duncan Robertson, also medicine, mineralogy, conchology, &c. Like Aram he was entirely impenitent and wholly concerned at the last with his literary reputation. An agnostic in religion, he was yet perfectly sane in medical opinion (*Tribune*, 17th May, 1871), and acknowledged the sanctions of morality, though refusing to be fettered by them. Not a little remarkable is the way in which "the man of blood became a patient, amiable, bookworm" (*Tribune*, 19th May, 1871). His escape in 1858 was due to his cunning in destroying all evidence of the *corpus delicti*. In the crime for which he suffered, his participation, he contended, did not extend to the homicide, but only to the burglary to which it was incidental. But, as in Aram's case, this was no defence, if true.

Cost of the Prosecution.

denounced by the prosecuting counsel as well as by the Court,²⁷ and, if such came to the knowledge of either Noel or Norton, it would have been the duty of either to warn the jurors to disregard them utterly.

Terry dismissed from the bar, Noel concluded the day's list, finished the Crown cases next day, and by Monday was fast posting on his way to Newcastle, what time justice was being done upon the body of Eugenius. His prosecution had cost the town of Knaresborough the very moderate sum of £54 8s. 10½d.²⁸

²⁷ 18 St. Tr., pp. 1169-1170. See also Gurney's shorthand report of Donellan's case.

²⁸ Calvert, p. 116.

CHAPTER XI.

Aram's Last Hours—His Letters and Fragment of Autobiography—Much of the Latter Suppressed—The Influence of Iles—Aram's Impenitence and Hardness—Reception of His Wife—Desires the Sacrament of Collins—His "Confession"—Attempts Suicide—His Execution and Gibbeting—Fate of His Skull and Remains—Vicissitudes of His Family—Houseman's Hostile Reception—His Miserable Existence and Death—Traditions of Clark and of Iles—Extinction of Their Families.

ARAM, whose firmness during his trial and sentence we have noticed, now busily employed his mind in writing. Surprise has been expressed at what he was able to accomplish in but a few hours in the "condemned hole"; but, as was said by Sir Oracle at a rather later time, "Depend upon it, sir, when a man knows he is to be hanged in a fortnight, it concentrates his mind wonderfully."

On Saturday, at ten o'clock, he wrote as follows, apparently to Mr. Collins:—

SIR,

I thank you much for your kind concern for me, and which you have expressed so well. Mr. Wharton begged my defence of yesterday, and there is no other but that, which only is genuine. If you think it will be either pleasure or advantage to you, I will upon the least intimation speak to Mr. Wharton that he suffer you to copy it. As to my life, it is of no importance to the publick, nor would it be of service to anybody; nor does any one know much about it. Nor if it was material, have I time. But I am certain it was spent much more commendably than that of any one of my enemies.

I have three books of yours, and thank you for the amusement some of them have afforded me; and wish you could send for them, it not being in my power to get them to you. Yet, Sir, if any general particulars of my life will oblige you, you have nothing to do but let me know.

I am,

with great respect,

Sir,

Your most humble servant,

E. ARAM.

Saturday, ten o'clock,
4th August, 1759.

The same day he also wrote thus, to whom is uncertain, but probably to Etherington—

SIR,

I had both your favours, for which I thank you; you have enclos'd what I thought proper to say concerning myself, family, and affair. I promised it to the Rev. Mr. Collins. If you choose to order any of your

A Censored Autobiography.

people to transcribe it, you may keep this, and I will subscribe my name to such transcript. Do which you please. I thank you again and again. I write in great haste, as no doubt appears, but you will pardon inaccuracies. I should be very glad to see you to-morrow, if it can be allowed; and am

Your most obliged,
humble servant,

E. ARAM.

4th August, 1759.

P. S. Mr. Collins will visit me on Monday morning.

The enclosure referred to is the letter to Collins in the Fourth Appendix, on looking at which it will be seen that Aram writes, "In April . . . 1744 [error for 1745] I went again to London (the reasons shall follow)." Nought, however, appears as to the reasons, and the reference at the close to the "affair" bears every evidence of having been "censored." We have seen that nothing was known until Scatcherd's second edition of the "Memoirs" appeared in 1838 of that part of Aram's examination, which reflected on Iles; and that Terry's, which also did, has never been printed till now. We are forced to the conclusion that Aram's reference to the crime, written after conviction, was almost wholly suppressed by Iles. That Aram wrote much more than remains seems certain. The editors of the 1759 pamphlets must here be quoted.

The anonymous York writer, who professes throughout to relate "as well what has been publicly rumoured, as what we, from private Information, have been able to gather as authentic . . .", and admits that "enough, nay, too much, will, we are sorry to say, appear to give the unprejudiced Reader too bad an Opinion, not only of those already named (*i.e.*, Clark, Aram, and Houseman), but of some only hinted at, for a few Things mentioned, though never so strongly in their Favour" (*e.g.*, Iles's share in recovering the goods), thus alludes to the letter to Collins—

"The Whole, notwithstanding his great Judgment and Learning, was a Piece so infamous and incoherent, that it was judg'd totally unfit for the Press, without being altered, and render'd different in almost every Particular."¹

Thus Anne Ward, Bristow, her London agent, and Etherington, who printed the first York edition—

"Aram wrote the following short account of . . . his . . . life. . . . So far as it is given to the publick, it is given with the same scrupulous exactness with which his defence has been printed. It must, however, be declared, That as we suppress'd a part of his second

Eugene Aram.

Confession, because it reflected on some Characters that stand unimpeach'd, so we have also suppressed a part of this performance, as being extremely injurious to the Integrity and Candor of the Court."

One cannot help inferring that the motive of suppression was quite as much a desire to shield Iles as Noel, who was far beyond the reach of poor Aram's malevolence. It is odd that what is allowed to appear implicates only Houseman and Terry, precisely as in the case of the second examination, in which, we now know, grave reflections were also made on the "Integrity and Candor" of Iles.

Aram continued to manifest a bold and unrepentant demeanour. He exhibited throughout, as Mr. H. B. Irving well says, "not the slightest feeling of remorse," and uses, in reference to the "affair," the language of an aggrieved man. "Ah, my dear sir, 'tis this very conscious innocence that is of the greatest prejudice to you," quotes our author, pardonably reminded of some associations with Joseph Surface. According to the York Pamphlet, Anna Aram visited him on the last Sunday of his life, "who tenderly advis'd him to prepare himself for his latter end, which discourse he evaded by asking questions about his son's welfare and other trifling matters."² Polly Powell he also saw, when he inveighed bitterly against Houseman's perjured evidence.³ The similarity of these scenes with what happened when Anna and Polly saw him in the "Bell Inn," as described in the "Gleanings," suggests that only one such interview took place, and that after conviction. He probably saw Etherington on this day, as appears from his letter, of which the publisher was seemingly the recipient. Two clergymen had visited him on the Saturday. One was certainly Collins, "whom he desired to attend him after his conviction," and who was to give him the sacrament next morning; the other may have been Brotheric. To them he made one of those half-confessions in which the fact is admitted but the vile motive denied. Just as Miss Blandy admitted poisoning her father, but professed herself "perfectly innocent as to any intention to destroy or even hurt her dear father"; just as Beatrice Cenci, having denied the murder of her father, after conviction put forward a monstrous excuse for which her advocate, Farinacci, admitted there was no ground,⁴

² p. 55.

³ Gl. 14. "In a most bitter manner inveighing against Houseman." Y.P. 54.

⁴ Opera Farinaccii Cons. LXVI. (Vol. IV., Noribergæ MDCLXXXII.), and Bertolotti's "The Cenci." "Et idem (commutation of sentence) firmiter sperabatur de sorore Beatrice, si præpositam excusationem probasset, prout non probavit. Laus deo." Prosper Farinacci. J. C. Rom.

Scatcherd's Fatuities.

so Eugene Aram conceded killing Clark, but basely put forward as an excuse a well-founded, as he pretended, jealousy of Clark's relations with his wife. Bulwer has thrown over this excuse, and prefers to think that Aram never put it forward—he was bound to acquit his hero of so shameful a cloak for his villainy. Scatcherd, on the other hand, insists that it was true, and comments, "As he certainly acted upon that conviction, I boldly say, in spite of all the clamour of an unthinking world, that he ought not to have been brought to an ignominious end."⁵ Elsewhere he says, "That Aram did not go out on the fatal night with the intention of killing Clark is manifest. . . ."⁶ One is invited to suppose that our hero, "feeble and valetudinary," went, upon those apocryphal crutches, with the defiler of his bed, to a lonely cave, at three in the morning, and there fell a-quarrelling, upon a sudden, over the favours of a lady, whom Aram so highly esteemed that he cut her in the street, and deserted her as soon as he had cleared Lothario from his path, Lothario of the stuttering tongue and "pock-broke" countenance! Yet Scatcherd is everywhere hailed as our "Authority." His *ipse dixit* has induced two French compilers to state as undeniable this "*circonstance extenuante*."

The fact of confession having been denied by many, it is well to discriminate between the unquestionably spurious "confession" of the Newgate Calendar and that above indicated to Collins and the other clergyman, whoever he was. The last comes to us on the authority of Bristow and Ann Ward, dates from 1759, and was never, as far as I can trace, contradicted by Collins, to whom it must have been known. The interview at which it took place is thus described by Bristow—

"Aram's sentence was a just one, and he submitted to it with that stoicism he so much affected; and the morning after he was condemned he confessed the justice of it to two clergymen (who had a licence from the judge to attend him), by declaring that he murdered Clark. Being asked by one of them what his motive was for doing that abominable action, he told them 'he suspected Clark of having an unlawful commerce with his wife—that he was persuaded at the time when he committed the murder he did right—but since he has thought it wrong.'

"After this, 'pray, says Aram, *what became of Clark's body, if Houseman went home (as he said upon my trial) immediately upon seeing him fall?*' One of the clergymen replied, 'I'll tell you *what became of it; you and Houseman dragged it into the cave, stripped and buried it there—brought away his clothes, and burnt them at your own house*'; to which he assented. He was asked whether Houseman did not earnestly press him

⁵ "Mem." 36.

⁶ Gl. 64.

Eugene Aram.

to murder his wife, for fear she should discover the business they had been about. He hastily replied, '*He did, and pressed me several times to do it.*'"

Bell adds that Aram protested, in answer to a question by one of the clergy whether, if it were the case, that his wife was unfaithful with Clark, he had a right to murder the man, "As much right as George the 1st to do so to Count Köningsmark." I rather suspect that Bell may have invented this to show the readiness of Aram's mind and his fertility of ideas. He promised, it is said, to make a full confession before he was turned off; but this, if he ever intended it, he took care to frustrate by attempting suicide. According to the York Pamphlet, Mr. Collins discovered him, on coming on Monday morning to give him the last rites of the Church. Bristow thus describes the scene—

"This was the substance of what passed with Aram the morning after he was condemned; and, as he promised to make a more ample confession on the day he was executed, it was generally believed everything previous to the murder would have been disclosed; but he prevented any further discovery by a horrid attempt upon his own life. When he was called from bed to have his irons taken off, he would not rise, alleging he was very weak. On examination, his arm appeared bloody; proper assistance being called in, it was found that he had attempted to take away his own life by cutting his arm in two places with a razor, which he had concealed in the condemned hole some time before. By proper applications he was brought to himself, and, though weak, was conducted to Tyburn, where, being asked if he had anything to say, he answered No. Immediately after he was executed, and his body conveyed to Knaresborough Forest, and hung in chains pursuant to his sentence."

The Press of the day unite in the following report of the incident—

"Yesterday morning (being the day fix'd for his Execution), he cut with a Razor, which he had conceal'd in his Cell some little Time before, the Veins of his Left Arm, a little above the Elbow and also a little above the Wrist, but miss'd the Artery, by which before it was discovered, he had lost so much Blood, that he was render'd very weak. Surgeons were immediately sent for, who stopp'd the Bleeding, and he was carried to Tyburn (at which Place he was sensible, tho' very feeble, and was there ask'd if he had anything to say, to which he answer'd No), where he was executed and his Body carried to Knaresborough Forest, where it is to be hung in Chains in the nearest part of it to that Town, pursuant to his Sentence."

A very old man, reputed to be then one hundred and four

The Gibbet.

years of age, told the writer of the paper in the *Leisure Hour* for February, 1885, "about thirty-seven years ago," i.e., about 1847, "that he had been taken as a child to the execution by his father, and held up on his shoulders to see Aram hanged . . . and the old man murmured out his recollections of the indignation of the crowd."

If the old man were one hundred and four in 1847, he must have been sixteen when Eugene stood under "the fatal tree"—old enough to stand on his own feet to watch the sport. It is more probable that he mistook his age, and was but a child at the time of the execution, for one among the horrible notions which lingered almost to within living memory was that it was a good thing for infancy to learn its first lessons in morality at the foot of the gallows, and, what time the hangman did his office, to receive correction at the hands of age and wisdom! And, if this were not enough, an occasional visit to some gibbet would drive the moral home!⁷

"My mother," said a certain Mrs. Matson to Scatcherd, "saw him hung up, and he was to all appearance as dead as a stone. When he was brought to Knaresborough he was deposited for the night in a stable of Mr. White's at the 'Angel Inn,' in the bottom of the town, and was gibbeted next day near Thistle Hill." Scatcherd had also conversed with an old man who had helped to draw Aram up on to his gibbet. The place of execution was the Knavesmire, on the outskirts of York, a spot long dedicated to the offices of the common hangman; like other such spots, it enjoyed the distinction of sharing the generic name of "Tyburn," whence Chambers, in his "Book of Days," and others have rashly concluded that Eugene was brought to London for the final purposes of justice.

The subject of hanging in chains has received the attention of the antiquary, in the person of Mr. Hartshorne, and from time to time the gruesome theme has drawn from the older readers of *Notes and Queries* some personal recollections of scenes which at this date can no longer be within the memory of the living. A learned controversy has resulted in establishing that at a remote period men were even hanged alive in chains, but this barbarity had long disappeared.

That hanging men in chains excited no disgust in our ancestors is established by nothing more strongly than by the following incident related in entire unconsciousness of its bitter irony:—A co-adventurer of Drake, landing with a party on the inhospitable coast of Patagonia, had occasion to observe that they "were much comforted by finding a gibbet standing,

⁷ On the custom of taking children to executions and gibbets and correcting them at the same time, see *Notes and Queries*, 8th Ser. IV. 404, V. 34, IX 26; 6th Ser. VIII. 353; "Heart of Midlothian," Ch. XXVI.

Eugene Aram.

a proof that Christian people had been there before them." The grisly and putrefying anatomy showed that desolate shore to be no mere haunt of birds or beasts or of the untutored savage, but that the Church of Christ had planted her banner there!⁸

These so-called "chains" were, in fact, a suit of iron bands encompassing the corpse, so that it should not drop to pieces in the process of decay, which was in a measure arrested by coating the dead malefactor in a vesture of canvas and pitch. The "chains" were suspended by a swivel from the gibbet, so that the rattling bones might noisily gyrate in the night time as in the noon tide, and youth and levity, making wanton on their primrose path, might espy the

thin dead body which waits the eternal term

and learn its dumb lesson. It is to be feared, however, that public gibbeting served as little the interests of morality as the procession to Tyburn, of which Johnson deplored the suspension. "Sir, the public was gratified, and the criminal was supported by it."⁹ The corpses were often treated with shocking irreverence; Aram's head was cut from his body, while many years later, as a contributor to *Notes and Queries* relates, Christian feeling for the miserable dead did not prevent a "sporting gentleman" from aiming at a poor skeleton with his gun and bringing down its skull.

So firmly did the chains bind the bodies that they sometimes held together for many years, the head being so well secured, that in September, 1883, the cranium of Breed, executed in 1742, still remained "fast riveted within the framework of the head."¹⁰

Aram's body was occasionally visited by his widow, and even by his children. Mrs. Pickard, a gossip of Scatcherd's, had been nursed in early years by Betty Aram, who in 1759 was a young woman of nearly twenty, and she remembered that "one afternoon Betty had taken us to see her father's gibbet on the moor. Her mother, on our return, asked her where she had been with us all the afternoon. As she did not reply, my sister said we had been to see the gibbet, at which Anna was much hurt, and scolded her severely, and went and told my grandmother of it, and wept much as she related it."¹¹

Mr. Sandars, who must have been very young at the time, related to our worthy antiquary "the following circum-

⁸ See *Notes and Queries*, 8th Ser. IV. 514.

⁹ I hardly need remind the reader of Swift's "Clever Tom Clinch going to be hanged."

¹⁰ *Notes and Queries*, 6th Ser. VIII. 182.

¹¹ *Gls.* 19.

Fate of the Remains.

stance":—"When Tom Lee, the noted highwayman, was brought through Knaresborough, preparatory to being hung in chains at Grassington, the procession stopped for the night at the Blue Bell Inn, now the Crown, where he was put into a stable for the night. A great mob assembling to see him depart, Mrs. Aram took me up into her chamber . . . I recollect she cried very much."¹² This occurred in July, 1768.

The significance of these episodes is that they show that her husband's cruel neglect of her, his desertion, his wicked excuse for his crime at her expense had not killed womanly affection in the heart of this "innocent, industrious, poor woman," and help us to understand her piety for his unworthy bones; for it is recorded that, as the remains fell down from the gibbet, she collected and interred them. Old John Clint, Scatcherd's authority, ". . . himself had buried one of the hands."¹³

A good many years later a surgeon, Mr. Strother, buried in the garden of a solicitor, Mr. Tolson, a thigh bone and the arms of Eugene.¹⁴ Strother had "never either seen or heard anything about the skull."¹⁵ Nor was this strange, as it had ere this been stolen from the gibbet by Dr. Hutchinson, of Knaresborough, for his museum, under circumstances described at length in Appendix III. Great force was evidently used to extricate it from the circumvolving hoops, and in so doing part of the right mastoid process was cut off, and perhaps at the same time the skull was sawn in two along the median line; at least this was done while it was in Dr. Hutchinson's possession, for Mrs. Pickard told Scatcherd that her husband put the hinges on for the doctor, to hold the two halves together; these still serve their purpose, and afford the best evidence of the skull's identity. After passing through many hands, as will be seen in the Appendix, the skull has found a fitting resting place beside Thurtell's in the Royal College of Surgeons' Museum. It so far baffled the phrenologists that the illustrious Spurzheim pronounced it female, thus paying a tribute to the force of Eugene's argument!

The gibbet, which "had stood upon forest, south-east of the Low bridge, and on the right-hand side of the road leading thence to Plumpton, perhaps seventy or eighty yards," was removed in 1778, on the enclosure of the forest. It was studded with nails to prevent people from cutting it down,

¹² Gls. 23-4. Sandars was born in 1761. Tom Lee's sentence passed by Sir Joseph Yates, as entered in the "Gaol Book," is printed at the end of Appendix I.

¹³ Gls. 61.

¹⁴ Inglis, 17.

¹⁵ *Ib.*

Eugene Aram.

and was purchased for a baulk or beam for the Brewers' Arms (to what base uses!), where, until that hostelry was pulled down, it was an object of curiosity.¹⁶

Aram's lantern, which was hung outside the school, passed into the possession of Dante Gabriel Rossetti, and thence into the hands of Henry Irving, who used it in the tragedy written for him by William Gorman Wills, produced and played for three months at the Lyceum in 1873. It is now the property of Messrs. Sotheran, who bought it at the sale of the actor's collection.¹⁷ A further curious memento of Aram yet lingers at Knaresborough—a carved head, adorning the cottage of a constable there, more probably the work of Peter than of Eugene.¹⁸

Of Aram's numerous family the brief tale is soon told. The two elder girls had died in infancy; Henry, the epileptic, died in 1761. Jane, "who took after her mother, went into service, and died young." Betty, "a miraculous, wild, and giddy girl . . . got married to a tramp currier of the name of York. She was a stout and very wild girl."¹⁹ She died at Northallerton, "quite a celebrity, sought out by people of all parts," on 30th January, 1805.²⁰ Joseph became a saddler at Greenhamerton, appears to have turned Methodist preacher, and left a son, Matthias, who later emigrated to America with his mother and two sisters.²¹ Sally, whose baptism, like Jane's, cannot be traced, had possibly been born out of wedlock, for Scatcherd represents her as twenty-seven in 1758, and Beatniffe's young woman was "then not above thirty"; whether she followed her father from Lynn to York, or was ever in the former place, is more than doubtful. It is agreed, however, by Bell and Scatcherd that she subsequently found her way to London—"after some misfortunes, which I shall not mention," Scatcherd significantly adds. She there called upon a York bookseller, who happened to be in town, told him she was in distress, and hoped he would be so good as to make her a present out of the profits, which had arisen from the publication

¹⁶ Gls. 61.2; Fletcher's "Pict. Yorkshire," IV., 35.; Speight's "Upper Nidderdale," 76. An inn is named after our hero. The Brewers' Arms was not in existence in 1880, according to Joy.

¹⁷ Brereton's "Life of Irving," I., 141; Speight's "Upper Nidderdale," 326.

¹⁸ Speight's "Nidderdale," 475; "Upper Nidderdale," 325; Grainge, 132.

¹⁹ Gls. 18, 19, 23.4, 60.

²⁰ "Nidderdale," 475. She died of cancer in the workhouse. Gls. 60.

²¹ Gls. 17, 18, 60. Joseph died on 21st January, 1803, and was buried in Whitley Churchyard; the inscription records his deep piety and religious zeal.

Unjust Aspersions.

of her father's trial. She was dejected enough to threaten suicide.

A ridiculous letter by her, formerly in the possession of Hargrove, is reproduced by Scatcherd, from whom Bell plagiarises it. Scatcherd, indignant at the theft from his "Memoirs" of "the chief ornament with which they are adorned," justly asks what we are to think of a writer who, in 1832, professes to have conversed with Sally in 1767!

"The chief ornament" is such sorry nonsense that I forbear to print it. . . . "Sally cared nothing about dress, finery, or sweethearts," gushes Scatcherd, oblivious that the idol himself was much attached to all three!²²

Anna Aram, described by one who knew her as a soft kind of woman, struggled for years in a small shop, where she sold bread, black puddings, and pies, in the High Street; she afterwards moved "to a very poor house, about half-way down Blucher Street," then called Hilton Lane, and later known as Powell's Yard, where she continued her battle with poverty, until she died in 1774, and was interred in Knaresborough Churchyard. The apologists of Aram have so aspersed her character as to suggest a long and habitual infidelity to Aram. Scatcherd casts doubts on the paternity of all her children, except Sally, while Mr. J. M. Richardson, in stating that "a daughter was presented to him in or about November of that year" (*i.e.*, 1731), he having married in May, coolly invites us to believe that Eugene was not the father, as if the custom of Aram's class were not known—to marry only when it was "high time"! There is not the slightest support for the story of her intrigue with Clark or any other man; she seems to have deserved her reputation of "an innocent, industrious, poor woman," loyal to the husband, who had done nothing to maintain her or her large family, and had never, "amid thousand amusements," sent her a kind word or a sixpence. She gathered up his bones and gave them burial, but not even her forgiving nature could charitably deny that "he made her an indifferent husband."

I am far from suggesting an insane diathesis in Eugene's own case, but the fits of Henry, the miraculous wildness of Betty, the irregularities of Sally, and the religious fervour which made Matthew turn "Methody," alike point to considerable instability in the Aram family; and history yields several examples of a cold and crafty murderer being kith and

²² We have noted the "very genteel suit of clothes, with beautiful frills to his shirt-wrists!" Gl. 12. Of his dress we elsewhere read that he commonly affected a blue coat lined with white, or else a black one. Mem. 10. It may have been Sally, who offered Bishop Percy, and later, in 1784, Dr. Lort, "some MSS. of Eugene Aram's Celtic Dictionary." See post. p. 134.

Eugene Aram.

kin to persons of unbalanced minds. Palmer's brother Walter was a dipsomaniac, and his mother openly lived under her own roof as the mistress of his bosom friend "Jerry Smith." The frequency with which atrocious murderers, sane enough to be hanged, have relations at some time under restraint, suggests a subtle link between moral idiocy and the unsoundness of mind which the law recognises as exempting from punishment.

Whatever may have been the public feeling about Aram, whether the "indignation of the crowd" at the execution was directed against the victim or Jack Ketch, whether Scatcherd had the slightest ground for supposing Eugene to have been the "object of much pity," there is no doubt at all that Houseman's acquittal, the reason for which was not apparent to the lay mind, was very unpopular. The *London Chronicle* of Saturday, 18th August, prints the following news:—

"York, Aug. 14th.—Last week a mob assembled about Richard Houseman's House in Knaresbrough (who was acquitted of the Charge of being concerned in the Murder of Daniel Clark, in order to be admitted an Evidence against Eugene Aram, as mentioned in our last), and it was with great Difficulty they were prevented from pulling it down. However, they carried Houseman about the Streets in Effigy, which was afterwards knock'd on the Head with a Pick-ax (sic), and then hang'd and burnt."

An identical report appeared in the issue for the same date of the *Cambridge Journal* and in *Lloyd's Evening Post* for 25th to 28th August. "Houseman returned home; a few of his comrades went out to meet him, and for his better security, two or three principal people shook him by the hand, in the way of congratulation, as though he had been acquitted! But the manœuvre was instantly seen through, and the burst of indignation was not to be averted. A cry, almost universal, of 'scape-gallows' arose, and so furious did the multitude become that, although some one opened him a house of refuge, his life was with difficulty preserved. During the rest of his time at Knaresborough he was scarcely even seen abroad, and at length he went to Marton, where he was interred. It was afterwards discovered that, besides much booty, he had the whole of Clark's leather in his possession."²³ The individual who thus offered Houseman asylum was one Shepherd, and he seems to have appeased the crowd by throwing open to them his cellars. Mrs. Benson thus described her recollections to Scatcherd, at the age of eighty-three.²⁴

²³ Mem. 23.

²⁴ Gl. 14.

Houseman the Outcast.

"Mrs. Benson further stated 'that she remembered Houseman's solitude after his acquittal—that he never durst stay out, the inhabitants being so much enraged against him; and that he was generally considered the worst in the transaction. His house was beset two or three times, and would have been pulled down to the ground had not Mr. Shepherd, his next door neighbour, appeased the people by opening his cellar and giving them all his liquor. She says that Houseman's death when it happened was kept a profound secret, and he was taken away in a cart to Marton, in the night time, to the great regret of many, especially of Clark's family, who had determined to wreak their vengeance upon him, either living or dead. She says that he died before she was married, and her eldest son is now above fifty years of age—that his dwelling was the house adjoining the White Horse Inn, in High Street (both now pulled down, and on which the Eugene Aram Hotel stands)—that he was a broad-set, round-shouldered man, and never went out by daylight after his acquittal.'"

Another attack was occasioned by the visit to Knaresborough of two Oxford scholars, formerly pupils of Aram's, who, being shown the heckler's premises, broke in, smashed his windows, and, being joined by others, would soon have taken vengeance on his person, but he saved himself by a precipitate retreat. Houseman was advised by a Mr. Simpson to "pocket the affront," which he did, and soon after retired to Marton.²⁵ Scatcherd further tells us, on an authority not named, that "Houseman married the widow of one Johnson, who had a daughter (Nancy) by her first husband, but no issue by Houseman. With this, his daughter-in-law, after her mother's death, he lived; and it is said she once or twice cut him down, after he had hung himself upon an apple tree in his garden. It was remarked by many people, and long remembered, that for many years after Aram left Knaresborough, whenever the river there overflowed, Houseman was always seen prowling down the banks, and one old woman told the coroner she had once seen him creeping out of St. Robert's Cave, and then going to the water to wash his hands. The general opinion afterwards was that he lived in a state of great alarm, fearing that every flood would expose the body of Clark, the place where the remains were found being only a few feet above the normal level of the river."²⁶

"He always," said William Mitchell, erstwhile an apprentice to Peter Moor, who had arrested Aram, "appeared much dejected, hung down his head, and was at times so melancholy that he frequently spent whole nights in his shop. . . . He

²⁵ Ex rel. E. Hargrove, Mem. 24.

²⁶ Gls. 61.

Eugene Aram.

frequently went out at nights, over a wall at the top of the yard, to walk in the fields. . . . He had a very downcast, bad look. He was a stout man, and wore a brown wig."²⁷ "He was always," related Sanders, "considered an outlaw by the Knaresborough people, and, I believe, would have been killed, especially by the Clark family, if he had ventured out."²⁸ Scatcherd was informed by this worthy that Houseman was excommunicated. Excommunications were not at this time infrequent as is shown by numerous entries of such in the "Great Doggett," but I have failed to trace this one.

Retiring to Marton,²⁹ he there died, and we may let the curtain fall upon the heckler with this extract—

"1777—May 19th.—Buried Richard Houseman of Knaresborough."³⁰

Of Clark little need be said. In an earlier chapter we have seen how this outlawry survived in the Pipe Rolls until 1832. His widow outlived him many years, but their only child, born posthumously, died in infancy. Thus Mrs. Brown:

"Mrs. Brown deposed that she was niece to Daniel Clark, who was murdered—her father and he being brothers. 'He was the oldest, and my father, Robert Clark, was the youngest of three, there being Joseph between them. Daniel's wife's maiden name was Foster; she came from Embsay, and had £300 to her fortune. It is rather singular, but my mother was born on the very night on which my uncle Daniel was killed. My grandmother never entertained any idea that her son was murdered, but thought that he had run away with his wife's fortune. My aunt, Daniel Clark's widow, had one child, a boy, with whom she had been pregnant a month before Daniel disappeared. This child died soon after it was born.'"³¹

In the "Memoir" (p. 50) Scatcherd adds—"Mrs. Clark (a very respectable woman) was a widow sixty-two years. She

²⁷ Gls. 20-21.

²⁸ Gls. 24.

²⁹ From Ward & Chandler's "List of Voters for George Fox" (1742), it appears that Houseman was a freeholder of property at Marton. Other worthies in the same List are Coates, James and Thomas Collins, Thompson, P. Moor, Beckwith, and Norton. Aram does not figure as a freeholder either at Knaresborough or Ripon. Clark was still a minor.

³⁰ Register of Marton, Gls. 59. He had been baptised 9th May, 1704. A memorial card in Mr. Joy's collection states that he "departed this life, at Knaresborough, 16th May, 1777, removed to Marton on the night of the 18th, for fear that the Dead Body should be torn in pieces by the Inhabitants, and was there interred, 19th May, 1777."

³¹ Gls. 22.

Terry and Iles.

told my informant, who occasionally worked for her and helped to 'lay her out' after death, that 'until the discovery was made of her husband's bones she always believed him to be living, and that he would some day return to his home.' " A spinning-wheel of hers, along with a copper coffee mill of her husband's, is exhibited in York Castle, where, also until about 1880, might have been seen a small fragment of the skull, which was so important an "exhibit" in *R. v. Aram*.³²

Of Terry nothing more is known. His triumphant exit from the city on his acquittal is the last glimpse of the ale-draper. The sinister figure of Francis Iles continued to be the subject of strange conjectures. Upon his death a great quantity of goods was discovered at his house. How he had acquired his wealth is uncertain. His reputation was indubitably evil; no less apparent in his influence on the whole tribe of York pamphleteers. That it was "Offence's gilded hand" which suppressed, in the publications of the time, all references to Iles, except as being "very active in the recovery of the goods," admits, I think, of scarcely a doubt. The name was extinct when Scatcherd made his investigations, and the ill-gotten fortune dissipated by a spendthrift nephew. Houseman dying childless, with submission to Bulwer, who presents him with a daughter, there remained no issue to any of the confederates, save to Eugene. Betty Yorke had a family as numerous as her celebrated sire's; Joseph also raised up seed to the number of three, as is related in Scatcherd,³³ of whom we take our final leave in saying that he died in 1853, aged seventy-three, and previously had received the distinction of being elected F.S.A.—a worthy and amiable gentleman, of little judgment or real knowledge.³⁴

³² It is now the property of Mr. E. M. Beloe, of King's Lynn. Governor Twyford gave it to Mr. Joy.

³³ Gl. 60.

³⁴ Smith's "Old Yorkshire" (1881) 67-69, with portrait. Bulwer, it seems, approved the "Memoir."

CHAPTER XII.

Aram's Literary Remains—The Papers Found in His Cell—His Want of Religion—His "Swan Song"—Other Poems—Prose Pieces—Estimate of His Place as a Scholar—Mystery of His Story and Character—Compared with Others—Had He a Fair Trial?—Unique Nature of it—His Impenitence—A Characteristic of Murderers—Fitzjames Stephen and Lord Campbell on the Subject—Contemporaries v. Posterity—Conclusion.

WHEN Collins and the ministers of the law entered the condemned "hold," or "hole," as the York Pamphlet styles it (neither monosyllable conveying much notion of comfort), there was found among those pieces, which had so diligently occupied his last hours, and furnish the only surviving proofs of his claim to the title of scholar, some verses in Aram's writing, together with a piece of prose, to serve as his swan song. Bristow, after describing his "horrid attempt upon his life," thus proceeds—

"On his table in the cell was found the following paper, containing his reasons for the aforesaid wicked attempt:—

"What am I better than my fathers? To die is natural and necessary. Perfectly sensible of this, I fear no more to die than I did to be born. But the manner of it is something which should, in my opinion, be decent and manly. I think I have regarded both these points. Certainly nobody has a better right to dispose of a man's life than himself—and he, not others, should determine how. As for any indignities offered to my body, or silly reflections on my faith and morals, they are (as they always were) things indifferent to me. I think, tho' contrary to the common way of thinking, I wrong no man by this, and hope it is not offensive to that Eternal Being that form'd me and the world; and as by this I injure no man, no man can be reasonably offended. I solicitously recommend myself to the eternal and almighty Being, the God of Nature, if I have done amiss. But perhaps I have not; and I hope this thing will never be imputed to me. Though I am now stained by malevolence, and suffer by prejudice, I hope to rise fair and unblemished. My life was not polluted—my morals irreproachable—and my opinions orthodox.

A Swan Song.

“ ‘ I slept soundly till three o’clock, awak’d, and then writ these lines—

Come, pleasing rest—eternal slumber fall,
Seal mine, that once must seal the eyes of all ;
Calm and compos’d, my soul her journey takes.
No guilt that troubles—and no heart that aches.
Adieu ! thou sun, all bright like her arise ;
Adieu ! fair friends, and all that’s good and wise.

“ These lines, found along with the foregoing, were supposed to be written by Aram just before he cut himself with the razor.

“ Notwithstanding he pleads a sovereign right over himself, in vindication of this last horrid crime, and appears, at first view, actuated by honour and courage, yet a little reflection will convince any one his motive for such an inhuman deed was nothing more than the fear of shame. That he murdered Clark is beyond all doubt, as he himself voluntarily confessed it ; but the excuse he afterwards made for it is greatly to be suspected, it being at the expense of the character of an innocent, industrious, poor woman, whom he has ever treated in an infamous, inhuman manner.”

A *varia lectio* of these verses is supplied by E. H. Barker, who also adds the following :—

Ah ! from the lips the vital spirit fled,
Returns no more to wake the silent dead,
No mines of gold, no monarch’s pomp of sway
Can bribe the poor possession of a day !

From the words, “ No guilt that troubles,” has been drawn the ridiculous conclusion that Aram felt himself indeed justified before God. The apology for his attempted suicide was considered so infamous a piece that the various editors of successive “ Newgate Calendars ” refused, with one exception, to print it, inserting instead an execrable epistle delivered by Aram to a friend, just before he was turned off. This clumsy forgery, long ago denounced by Caulfield, is not worth a further reference.¹ It is utterly at variance with Aram’s whole attitude towards his “ affair,” and was doubtless introduced to “ guard young minds from the allurements of vice and the paths that lead to destruction.” The apology exhibits some traces of that incoherence which the York Pamphlet professed to discover in the letter to Collins. What is “ this thing,” which Eugene hopes will never be imputed to him ? How could he, about to kill himself, proclaim, *in articulo mortis*, his opinions orthodox ? That they were not appears as well from his

¹ An equally impudent one was hawked about in a broad-sheet at the time. It is reproduced in the *Leeds Mercury*, 11th Sept., 1880. Sympton’s edition, as advertised for sale on the 16th August, contained a spurious letter of this sort.

Eugene Aram.

vindication of suicide, a paper on which subject the avowed infidel Hume did not venture to publish in his lifetime, as from all that is related of him, alike by partisans and detractors. "That he was an Atheist," says the York Pamphleteer, "is what I am well assured has been by the generality of those who knew him firmly believed for many Years past. For often has he been heard to ridicule, and treat as a trivial, immaterial Thing, not only the horrid Crime of Murder, but every other Crime, held most heinous, and contradictory to the Laws of God and of Man." Nor is it traversed by his advocate, that he was "a republican in his politics, and a reasoner in his religion," and that he probably incurred the ill-favour of others by his outspokenness on such subjects. An infidelity, which cost Hume the loss of a chair of philosophy, which harassed Diderot with lifelong persecution, sent Paine to prison, and so endangered Arouet himself that he was forced into the pretence of reconciliation with the Church, expressed in the building of a chapel, whereon was inscribed "Deo erexit Voltaire"—must greatly have hampered Aram, both in his struggles to obtain employment and in combating the undoubted prejudices that were manifested against him during the year's imprisonment. That he was careless of aggravating the bias of the orthodox appears from the fragment above, where he protests that "silly reflexions on his faith or morals were things always indifferent to him." He lacked the commercial prosperity which enabled Hume and Voltaire to survive the rancour of bigotry and to rise, the one to an Under-Secretaryship, the other to the favour of a mighty prince.

Other compositions were the fruit of those days in prison. Most were, doubtless, executed before the trial, and some seem to have been copies of manuscripts recovered from among his effects at Lynn. The poems, I think it will be allowed, reveal a genuine, albeit not a rare, gift of poesy. Unlike the wretched rhymes of Peter, his father, Eugene's lines occasionally ring with real feeling, as distinct from mere felicity of expression; though real feeling was not the strength of the eighteenth century muse, nor a special characteristic of Eugene's. If, as Swift has sung, a poet, in order to soar, needs to be hungry,

And like a jockey for a race
His flesh brought down to flying case,

we must yet admit that the "condemned hole" was not an ideal poet's bower, and make some generous allowance for a half-starved and forsaken man—

Languid with want, and pale with polar cold,

'Mid cells resounding with the voice of pain,
Where fear, pale pow'r, his dreary mansion keeps,
And grief, unpity'd, hangs her head and weeps.

His Value to Philosophy.

Nor need we be alert to discover slips of syntax in these compositions, or condescendingly observe upon "those lesser inaccuracies, from which the writings of men solely self-educated are rarely free." Accepted poets of genius have blundered too often in their grammar for it to be made a ground of belittling Aram, that he occasionally trips where giants have fallen; he would, for example, have been quite incapable of Byron's intransitive use of the verb "lay," an error too frequent to be set down to aught but ignorance.²

It is, however, upon the "Essay Towards a Comparative Lexicon" that the position of Aram in literary history now almost entirely depends. It lifts him out of the ruck of poetasters to give him a definite rank among the fathers of philology. The value of this suggestive fragment has not received, perhaps, as much attention as it deserved. Had he had leisure and means to carry out a work which could not be remunerative, and would have been impossible without the assurance of subscriptions enough to defray its heavy cost, he might have eclipsed the fame of "the great lexicographer" himself. He had an acquaintance with the Greek which, if he spoke truly of his reading, as I think he did, far exceeded Johnson's; and a knowledge of the Hebrew, Sanskrit, and Celtic to which the other had no pretensions. Even with liberty, Aram had lacked the patrons so necessary to the undertakings of a poor scholar at that date. In prison, without friends, without books, save perhaps a "Welch Dictionary," in the valley of the shadow of death, with no hope that he might see his reputation lifted out of the "hangman's record" and based upon his merits as a scholar, Aram receives from the just critic the fullest credit for his achievement in philology.

"As a self-taught scholar he has had many equals," says Dr. Richard Garnett, "but his peculiar distinction is to have lighted upon a truth of the greatest moment, unrecognised in his day by any scholar—the affinity of the Celtic to any other European languages. . . . Aram's fragment on the subject, though marred by fanciful analogies between the Celtic and Hebrew, proves that he had thoroughly grasped it. He had a clear perception of the importance of local names in etymology, and he was, perhaps, the only man of his age who disputed the direct derivation of Latin from Greek. It is hardly too much to say that had he enjoyed wealth and leisure he might have advanced the study of comparative philology by fifty years." How little his contemporaries appreciated the value of the philological truth he had seized appears from this over-

² "Childe Harold," IV., CLXXX.; "The Adieu," X., l. 4; "Pignus Amoris," III., l. 3.

Eugene Aram.

looked letter from Dr. Lort to the Lord Bishop of Dromore, Thomas Percy, of the "Percy Reliques"—

MY DEAR SIR,

In the papers of this week you will probably have seen some strange papers concerning Mrs. Thrale's marriage with Piozzi. . . . It is said that Dr. Johnson had written her a long letter to prevent it. . . . Since he (one Major Vallancey) went, a woman called on me to offer me some MSS. of Eugene Aram's Celtic Dictionary, which she says had been once in your hands, and I suppose would have continued so, if you had thought them of any value. Had I seen her before Vallancey went . . . I would have sent her and her papers to him, who seems to be deep in Celtic etymologies; can you recollect any particulars of these papers?

Your Lordship's

ever faithful,

M. LORT.

The letter is dated "Saville Row, July 27th, 1784." It must rest uncertain if this manuscript was the "Specimen of a Lexicon" which follows in an appendix, or was some other of those papers, the loss of which, on his arrest at Lynn, Eugene adverts to in his letter to Collins and in the brief note to Etherington promising transcripts of the "papers you recovered," already given in an earlier chapter. One must also be content to speculate whether the woman referred to was Sally, who had repaired to London and married a publican, or the uncertain fair one who scandalised the elect of Lynn when on Aram's arrest she was discovered to be no relation. It is more likely that the manuscript offered to Lort was one left behind at Lynn, for in writing to Collins after sentence, Eugene refers to his books and papers on the Celtic in all its dialects as scattered and lost,³ and the "Specimen" was itself compiled in prison without the aid of books.

The indifference of such as Bishop Percy has, however, in the course of the centuries given way to a genuine recognition of Aram's claims to scholarship. "Eugene Aram," writes Mr. Havelock Ellis, "is now recognised as a comparative philologist, who foresaw and to some extent inaugurated some of the later advances of that science."

"There was scarcely any part of literature," wrote the late

³ "I then investigated the Celtic, as far as possible in all its dialects—began collections, and made comparisons between that, the English, the Latin, the Greek, and even the Hebrew. I had made notes, and compared above three thousand of these together, and found such a surprising affinity, even beyond my expectation or conception, that I was determined to proceed through the whole of these languages, and form a comparative Lexicon, which I hoped would account for numberless vocables in use with us, the Latins, and the Greeks, before concealed and unobserved. This, or something like it, was the design of a clergyman of great erudition in Scotland; but it must prove abortive, for he died before he executed it, and most of my books and papers are now scattered and lost."

A Stroke for Fortune.

C. L. Craik, "with which Aram was not profoundly conversant. . . . But he is a mournful example of high mental powers brought low by ill-regulated passions and of the vanity and worthlessness even of talents and knowledge when separated from moral principle."

It is this reflection which makes the story of Eugene Aram one of ever-green freshness—the contrast between the scholar and the felon. People have ever asked how a man who had industry, memory, a high power of inductive reasoning, a constitution impeached only by himself in his defence, reached fifty-four years of age without capturing success, attaining competency, or achieving any worthy ambition. For Eugene was no sciolist. What he did, he did thoroughly; he had perseverance, he had all the makings of a great scholar. It was the fault of the age, not of Aram, that with such gifts penury was his certain portion. Johnson, with the influence of Pope and of Earl Gower behind him, had failed from lack of a degree to secure a grammar school mastership.⁴ Aram, not even an alumnus of either University, had no brighter prospect before him than the meagre stipend of an usher. Selfish, salacious, bold, and unscrupulous, Aram was driven to crime to supply himself with those amenities, that genteel apparel and profusion, which his soul craved. Fond of the society of his social superiors, galled by that of his equals, embarrassed by debts, Aram resorted to crime with as little hesitation as any gentleman of the road. Twenty pounds a year was all that the scholastic career held out to him. One bold stroke might win him as much as ten years of teaching, and Aram was not the man to shrink from it when the opportunity arose. Had he been a gamester like Charteris or Casanova he might have pursued pleasure and emolument at once. Unhappily he was a scholar, and then, as now, the scholar's lot is one of poverty.

To such a lot Eugene could not resign himself. Courageous and unprincipled, he preferred to play for a desperate stake. When at length he lost, he exhibited neither contrition nor a sense of shame. "Equal to either fortune," as he stoutly said he was. Some little insincerities attending his leave-taking of life—expressed in the paper found in his cell—point rather to some incoherence of ideas or to that odious hypocrisy already noticed in Miss Blandy's case, which is common to all deliberate murderers, than to any desire to seek Eternal mercy. Like Thomas Griffiths Wainwright when visited in his cell by former friends, he may have considered his case as that of a man who had speculated and in the end been beaten by fortune. The mention of the poisoner of Helen Abercrombie introduces another element of mystery. How did a murderer, it is asked,

⁴ Boswell (Birkbeck Hill) I., 131-4.

Eugene Aram.

get to know all these respectable people—these clergymen at Lynn, Chelsea, and Knaresborough—to say nothing of Bulwer's Lord —, whose seat was at —? How did Wainwright, to whom in morals Aram was "Hyperion to a satyr," come to know Charles Lamb, Tom Hood, De Quincey, and Serjeant Talfourd, to name but a few of his eminent friends? If one who amid works of exquisite prose had specially adumbrated the subject of murder as a fine art, if one who had written his most notable poem on the very subject of Aram's crime, if one, who united rare literary gifts with the experienced lawyer's insight into men, could not detect the murderer in the pretentious but amusing dilettante—"Egomet Bonmot"—why should country clergymen discern the brand of Cain on the brow of the reserved and erudite schoolmaster? It is far too commonly supposed that the murderer, even when not pursuing his craft, is a truculent ruffian, full of oaths and obscenity, from whom cuffs and blows may be expected at any moment, like showers in April—a man ungoverned in temper and conduct. That such men have often died on the gallows is true enough, but their names have died with them. The real murderer is outwardly often enough a courtly gentleman. His most noticeable failing is a deep and habitual untruthfulness, the extent of which is seldom detected but with his crime. Wainwright, who pleaded the thickness of poor Helen Abercrombie's ankles as an excuse for his poisoning her, and is credibly believed to have murdered at least three people—to be transported for another crime—was witty, polished, a delightful host, and highly esteemed by the leading artists and men of letters of the day. Professor Webster, who murdered his colleague, Dr. Parkman, to evade payment of a debt, the evidence of which he sought to destroy with his victim, was learned and of high repute. The profligacy which involved him in ruin only came to light, as such things commonly do, when he was already overwhelmed by the accusation of having slain his benefactor. Ruloff, "who in a remarkable way combined criminal propensities with literary tastes, being a great philologist, and engaged in the invention of a universal language," murdered his wife and daughter, not to speak of several others; yet all the while he was actively pursuing the path of knowledge, and possessed the most indubitable right to the title of scholar. Eugène Marie Chantrelle, being an "excellent linguist and a man of considerable culture and polished address, made rapid headway and obtained profitable engagements in some of the leading educational establishments in Edinburgh. His reputation was enhanced by the compilation of several works on the French language, the utility of which was evidenced by their adoption as text-books in many

The Intellectual Homicide.

of the schools; and to his accomplishments as a teacher of French and German he added a proficient knowledge of Latin and Greek, which he put to advantageous service in private tuition." This monster, who "maintained remarkable coolness and indifference, and died with a stoicism that excited wonder," murdered his wife for the insurance money; he had corrupted her when a schoolgirl of fifteen, and had married her to escape from a difficulty. "To the last the convicted man refrained from indicating anything that could be construed into a confession of guilt."

Francois Villon is the supreme example of a man of almost superlative genius who was at the same time a man of criminal and homicidal tendencies; he narrowly escaped the gallows on more than one occasion, and it is actually uncertain if the father of French poetry did not die by the hands of the public executioner! Dr. Pritchard was an admirable lecturer, the author of several treatises, medical and geological (Webster had written on geology as well as chemistry), and of charming manners, though afterwards "reckoned the prettiest liar of his time." Lacenaire was a man of decided literary accomplishments, and on his trial delivered an address which "evoked the admiration of all present. . . . A crowd of young advocates . . . warmly congratulated him on his achievement. The philosopher did not conceal his satisfaction at these professional testimonies to his skill." Lebiez, like his schoolfellow, Barrè, was of far more than average ability, "*le drapeau de l'école*," was keenly interested in biology, and was collecting specimens when his co-adventurer in murder was arrested. Like Aram he was a botanist. Prado was devoted to books. Verlaine, who shot Rimbaud, and whose whole life alternated between outbursts of crime and of exquisite lyrics, is perhaps the best example of a being equally compounded of literary and criminal elements. Palmer was not literary, but he enjoyed the reputation in Rugeley of a kindly, open-hearted, generous man; he poisoned his wife, his mother-in-law, brother, his friend Cook, and about ten other persons; he took the sacrament on the Sunday on which he administered poison to his brother, and as his victim writhed in the agonies of death he very coolly sent out to know what had won some paltry handicap! To the poor he was always ready to give, his temper was bland, and his features, if commonplace, were ingenuous.⁵

⁵ His features, said Dr. Kenealy, "gave the impression of honesty, calm, passionless, truthful. . . . His manners were courteous, bland, sympathetic." He was so much liked that Kenealy was sure he would never have been convicted locally—"Memoir" of Kenealy, 161-5.

Eugene Aram.

These instances, which might be indefinitely multiplied, suffice to show that neither literary gifts, the passion for exact studies, nor outward charm of manner or mildness of disposition afford the slightest presumption against guilt. Such a man as Aram then might very well be a murderer *in posse*. Was he satisfactorily proved to be one *in esse*? In other words, had he a fair trial? To ask that question is to assume that a "fair trial" is an objective reality, like a black coat, instead of being a purely subjective notion. He had such a trial as the laws of his country then allowed, and they were regularly put into force against him, though his position was much more harsh than Palmer's or Pritchard's, a century later.

If it be said that the procedure under which Aram, Miss Blandy, Donellan, and Thurtell were convicted, and Thornton acquitted, was unfair in seeking to interrogate the accused, and so make him an evidence against himself, it may be replied that not only under the Continental system has this ever been the practice, but a British colony of the present day provides a very similar method of investigation. Were an Aram to be tried to-day in Ceylon he would be constrained not only to make a statement in reply to the charge to the magistrate, but would have to submit to an interrogation by him on the facts as deposed against him. The effect of the provisions I allude to is to involve a guilty man in a series of falsehoods, from which it is exceedingly difficult for his advocate subsequently to dis-embarrass him, and in operation the procedure results in the discomfiture of the guilty, while greatly impeding the setting up at a later stage of defences elaborated by their lawyers. Some such powers are indispensable to the magistracy wherever it cannot rely on a highly organised, incorruptible, and specially trained police. In England in 1758, as in modern Ceylon, the magistrates exercised functions more of criminal investigation than of purely judicial inquiry.⁶

The law, as it then stood, if in some respect it hampered Aram in his defence, in others threw its protection around him, as in excluding the damning evidence of his wife. Pretentious ignorance has placed Anna Aram in the box, and proceeded to comment that⁷ "to-day such evidence would be inadmissible, but in the barbarous ages (sic), which obtained in the middle of the eighteenth century, all evidence, however biassed, was heard." The rule, peculiar to English law and vehemently attacked by

⁶ Ceylon Cr. Proc. Code (1898) ss. 155 and 295. In murder the magistrate is to proceed to the spot and hold an investigation. The questions and answers, or the fact that the accused refused to answer, with the magistrate's inference, are put in on the trial.

⁷ "Famous Crimes," H. Furniss.

Medical Evidence, Anno 1759.

Jeremy Bentham, which excluded the evidence of his wife, gave Aram an advantage which he would not have enjoyed had he been tried in any other country of Europe, or had he been tried in British India to-day!⁸ It could not, of course, preserve him wholly from the prejudice which a knowledge of the wife's evidence, common, we may suppose, to all twelve of his jury, must inevitably have created. But so long as two independent investigations take place in cases of murder, one held by a coroner not bound by the rules of evidence, the other by a magistrate who is, the inconvenience must sometimes arise that the jury is, in spite of all attempts to eliminate it, affected by the knowledge of some matters sworn before the coroner, but not legally admissible upon the trial. It is worth while, however, to observe that if Aram had been tried in almost any foreign country Anna's evidence would have been admitted against him.

The least satisfactory part of the case is the medical evidence. It will be observed that the doctors' two depositions read as if they followed a "common form"—the same expressions are used by each. They certainly went astray in relation to the first skeleton, which was "confidently averred to be Clark's"; and at each inquest seem largely to have assumed what had to be proved—that the bones were Clark's. That each should, at the first inquest, give the age of the deceased as twenty-three—the exact age of Clark as advertised—is highly suggestive of a biassed state of the mind. On the other hand, the first body may well have been interred at the same time as the second, and have been that of a young male.⁹ No text-book on medical jurisprudence was then available, and the consideration of the questions involved lay beyond ordinary medical experience.¹⁰ In view of Houseman's testimony, however, the medical evidence sinks to minor importance, except, perhaps, as to the cause of

⁸ Indian Evidence Act, s. 120. This departure from English Law was due to the influence of Bentham on Stephen, the legal member of the Viceroy's Council, who framed this Act. Bentham's works, as Stephen finely said, are like a bomb buried beneath the ruins it has made! For his attack on the rule excluding wife or husband's evidence see "The Rationale of Jud. Ev." V., 341. He there speaks of the home as in consequence a "nursery of crime"; there is much to be said on the other side, yet one cannot regard with unmingled admiration a system which might enable a monster to seal the lips of the chief witness against him by marriage, and so escape conviction. See a striking passage in Baron Rolfe's address to James Blomfield Rush, in passing sentence of death, and Serjeant Ballantine's "The Old World and the New" (1884), p. 98.

⁹ According to some the Jew's assistant was a man, according to others, but a boy.

¹⁰ A modern scientific witness would have tested the bones for traces of fluorine, ferric oxide, fluoride of calcium, &c., to ascertain the probable period of interment.

Eugene Aram.

death.¹¹ I have exploded already the myth that Aram was taken by surprise by the entry of the flax-dresser into the box, or by what the others deposed—put to him in his first examination a year before. He was sage enough to know that they would be witnesses upon his trial, and had ample time to answer them; he equally knew that the men who arrested him would be called to prove what he said at the time. Had he any doubt as to what evidence would be produced, Houseman, who had attended the first inquest and had conferred with his counsel, or Terry, who had been at liberty while Thornton took the informations, could have enlightened him. Yet to not a word of all the evidence does he address himself! Not one witness does he name from beginning to end of his address! "I have heard what is called evidence," he arrogantly says, ". . . As to the circumstances that have been raked together I have nothing to observe," he adds later on. It is this which makes his trial unique. Thurtell in his celebrated oration did seek to reply to the case against him, and his comments on circumstantial evidence, which so aroused the spleen of Mr. Justice Park, were merely by way of interpolation. No speech ever confined itself less to the issues, and even when poor Aram did approach relevancy he did so in a manner the least calculated to produce an impression on the Court. When he speaks of the fractured skull of St. William he deigns not to cite his authority as that of an eye-witness, Drake, F.R.S., F.S.A. When he introduces by far the most apposite case of wrongful conviction on circumstantial evidence, "the Campden tragedy," his memory plays him the unhappy trick of confusing the names, and he speaks of the Harrisons when he means the Perrys, and refers to Howell's slight allusion in an unfamiliar book when he might have cited the case from the State Trials, in which the Court had honourably figured, and of which it would take judicial notice. Worst of all, he forgets to mention by far the strongest fact in that case—that John Perry falsely swore to presence at a murder never actually committed, to the jeopardy of his own neck—just as, in his contention, Houseman must have done!

These criticisms, however, rather rebut the common supposition that the address was a work of such profound erudition

¹¹ Mason, J., in what I believe to be the only judicial reference to *R. v. Aram* says "In the case of Eugene Aram, when the skeleton was found in a cave thirteen years after the murder, the proof of the identity of the body as that of Clark was very faint, and but for the strong circumstantial evidence a conviction could never have been justified." 3 Parker, Cr. Reps. at p. 443. But it is well understood that no such evidence can supply the place of adequate proof of the *corpus delicti*. Cf. Wills' "Circumstantial Evidence," p. 308.

Stephen on Prisoner's Defences.

that it must have occupied his thoughts for all those years. As we have seen, it was in many respects superficial and inaccurate—a defect attributable rather to want of material than to any want of thoroughness on the part of Aram.

A further observation arises upon it by way of answer to the question, why did not Aram attempt any reply to the evidence against him, particularly that of Houseman? When a prisoner could not be defended by counsel, and had therefore to speak for himself, says Sir James Stephen, "every statement made by the prosecution amounts to an indirect interrogation of the prisoner. . . . He was thus unable to say, as counsel sometimes still says for him [written before the Criminal Evidence Act], that his mouth was closed. On the contrary, his mouth was not only open, but the evidence against him operated as so much indirect questioning, and if he omitted to answer the questions it suggested he was very likely to be convicted."¹² It will readily be seen how apposite these remarks are to Eugene's case. He failed to deal with Houseman, Tuton, or the others, for the simple reason that there was nothing he could offer but a bare contradiction. A perusal of Miss Blandy's, of Donellan's, of Thurtell's cases will show that a prisoner's defence in person, so far as it attempted to deal with the facts, consisted of a series of statements, unsupported by proof, directly at variance with the sworn testimony for the Crown. Counsel may, indeed, rest his case on the ground that the Crown has not made out the case beyond reasonable doubt, but it is easy to see what prejudice must arise against a prisoner in person who can offer nothing with more of the ring of innocence about it. Aram's address comes to this—he admits that the facts proved raise a strong presumption of his guilt, but "it is but probability still"; he asks, not for an honourable acquittal, but for a verdict of "not proven." This he should have been as much entitled to do as counsel would have been; the mere fact that on his lips the contention sounds miserably unconvincing illustrates the truth of Stephen's remarks. No direction by a judge to a jury, that it is for the prosecution to prove its story, could counteract the unfavourable impression produced by an address so significantly silent on the most damaging parts of the Crown case; perhaps Aram was right to try to draw away attention from what could not be explained—his own inconsistent statements in particular—by a dissertation on the fallibility of circumstantial evidence; every advocate has at times to pass over matters; but Noel would have failed in his duty if he had not, as the reports say he did, pointed out that "Aram had said nothing to invalidate the positive evidence

Eugene Aram.

against him." To the common criticism that Aram "nowhere directly asserts his innocence," I have already replied, and will but add that nothing would have been easier or entitled to less weight.

Of the alleged penitence of Aram we cannot, *pace* Bulwer, Hood, or Scatcherd, discover a trace. "The affair" is merely a disagreeable memory—that is all. Bitter are the complaints that Terry, Houseman, or Iles had the watches, the rings, or the plate—"as for me, I had nothing at all." I have already indicated my belief in the so-called confession to Collins, for I cannot persuade myself that the clergyman would have allowed the various editors to repeat it unless it were made. The falsehoods it contains, like those in the verses found in the cell, are wholly in keeping with a murderer's behaviour. "The passion for lying which great criminals display is a strange, though distorted and inverted, testimony to the virtue of truth. It is difficult to assign any logical connection between lying and murder; but a murderer is always a liar. His very confession almost always contains lies, and he generally goes to the gallows with his mouth full of cant and hypocrisy." Such is the opinion of the great expositor of criminal law.

I have met in the course of considerable study with scarcely a single instance of a murderer who murdered for lucre dying otherwise than impenitent and lying. Lord Campbell well says of Miss Blandy, "There was a verdict of guilty on the clearest proof of premeditation and design; but to show the worthlessness of the dying declarations of criminals and the absurdity of the practice of trying to induce them to confess, she went out of the world with a solemn declaration that she had no intention of injuring her father." "When I read Despine's conclusion that the moral sense is utterly and invariably absent in all criminals who commit violent crimes in cold blood, I confess it startled me as a most extravagant proposition," said a well-known prison surgeon, quoted by Stephen, who continues, "yet he adds, the result of his investigations has much astonished him, and not a little shaken his incredulity. He states that of 430 murderers he has had in medical charge, only three discovered the slightest remorse for their crime, corroborating, he considers, the opinion that the moral sense is wanting in great criminals." Stephen proceeds—"My own experience certainly is, that people who commit great crimes are usually abominably wicked, and particularly murderers. I have the very worst opinion of them. I have seen something of a good many of them, and if I had not had that experience I should not have imagined that a crime, which may be the result of a

Had he been tried to-day ?

transient outbreak of passion, indicated such abominable and heartless ferocity, and such depths of falsehood, as are, in my experience, usually found in them."¹³

Everything, then, in Aram's conduct points to his guilt of deliberate murder without a shadow of excuse. And this was exactly how his crime appeared to contemporaries. He appeared to them "deservedly to fall by the hands of the common executioner,"¹⁴ Smollett being alone in urging that "If ever murderer was entitled to indulgence, perhaps it might have been extended not improperly to this man, whose genius, in itself prodigious, might have exerted itself in works of general utility." We can only regret that he allowed fifty-four years to pass over his head without performing any!

This opinion stood alone, until the fictions of seventy years later started the Aram myth, which it has been my endeavour to dispel. It is, in the classical sense, "impertinent" to ask whether, under our modern procedure, Aram might have escaped. The conviction of a guilty man can never be a reflection on the system which secured it. It cannot be doubted that his two examinations under the old statutes had as much to do with his conviction as anything, and that he would nowadays have escaped such. We are in these days far too apt to prefer the trite maxim that it is better for ninety-nine guilty men to be let off than for one innocent person to be convicted, to the true one, "*Judex damnatur cum nocens absolvitur.*" Under the system of procedure, which originated in 1836 and expired in 1898, and, as Stephen has said, was "highly advantageous to the guilty,"¹⁵ Aram, well defended, would have had some chance of acquittal. I scarcely think he would have had such a chance now. Had he been tried to-day under the criminal procedures of some of our Imperial dominions, which allow the magistrate to interrogate the accused, he would have had no chance at all. Some systems, which our insularity is apt to decry, have the advantage of securing convictions of guilty men where ours would fail.¹⁶ My task, however, is accomplished in showing what manner of trial he had, and that,

¹³ "History of English Criminal Law," II., 185; *Cf.* his remarks on Palmer in III., 424-5. See a remarkable disquisition on remorse in murderers in the late Benjamin Howard's "Prisoners of Russia" (1902), pp. 264-275. The author, an M.D., found homicides, who had slain through passion, jealousy, &c., to be contrite and humiliated, but cold-blooded, mercenary murderers to feel no remorse other than the "chagrin at the mistake . . . in not securing immunity."

¹⁴ Dr. Kippis "Biog. Britt." 1777, I., 230-235.

¹⁵ "History of English Criminal Law," I., 441.

¹⁶ *Cf.* Stephen on the affair of St. Cyr. "History," III., 506-7.

Eugene Aram.

if open to the criticism that he was not "presumed innocent" in the earlier stages, it was yet conducted not unworthily of British justice, and led to a righteous condemnation. That his love of study was a genuine passion, and no mere affectation to secure him the world's attention, will, I conceive, be allowed by every candid reader of his literary remains. When his miserable opportunities are considered, and the daily drudgery of teaching the rudiments of learning to small boys, the extent of his reading and the tenacity of his memory appear truly remarkable. No less singular is his consistent profession of modesty—so different from the exaggerated egoism of other literary criminals, notably Wainwright; no less striking is his admirable sanity; he is pre-eminently logical and perspicuous; there is no trace of decadence; nor, considering his disadvantages in prison, can we dismiss his work as superficial. Thus, after all, he seems to stand alone among criminals—the scoundrel and the scholar as astonishingly mingled in him as in any fabled Dr. Jekyll and Mr. Hyde; the decent, humane, erudite pedagogue, sought out by parson and by squire, and the professor of murder as a fine art. No mean professor either! By De Quincey's canons, the murder of Clark, even if he had no other murders to his credit, was no amateur—the cleverly selected place of sepulture, the plausible theory of flight, supported by the supposed fugitive's confederates, the stripping of the body of all traces of identity, the masterly defence—all these would elevate Aram to a higher rank as an assassin than he can claim as a philologist. Only Houseman's blunder brought the affair to light; only Eugene's pusillanimous confusion on arrest detracts from as fine an example of calculated murder as has encountered our knowledge. Let us be fair, then, to the memory of this man! Let no detractor, in the guise of an apologist, take away his reputation as a murderer! To attempt it is in worse taste than the frequent denunciation of him as a "common criminal," who kept "low company." Aram kept good and bad company; was sought out by social superiors. So distinct a dual personality does not perhaps elsewhere occur outside fiction. That is the haunting charm of this strange eighteenth century student. Fools may wring fond hands over another "noble nature, blasted into guilt," but Aram was as much a born criminal as born scholar. His love of books is as entirely irrelevant to his criminality as Wainwright's of the work of Fuseli, or Palmer's of a thorough-bred horse, or even Peace's of music on the violin. He has enriched human experience with the knowledge of a character that will continue to mystify it. Let Orthodoxy write his epitaph in the lines of the mighty poet,

An Epitaph from Marlowe.

whom it would claim as himself so sad an exemplification of their truth—

Cut is the branch, that might have grown full straight,
And burnèd is Apollo's laurel bough
That sometime grew within this learned man.

Determinism sees in his story only a most whimsical illustration of its doctrines.

APPENDICES.

APPENDIX I.

ORIGINAL DOCUMENTS IN THE RECORD OFFICE IN THE MATTER OF R. v. ARAM, HOUSEMAN, AND TERRY.

(A) THE OUTLAWRY OF DANIEL CLARK. EXTRACT FROM THE PIPE ROLL, 21 GEO. II.

The Sheriff for the year ending at Michaelmas, in the twentyfirst year of the reign of King George the Second, oweth vij viiiij vij (£7 19s. 7d.), in part of viij iiij (£8 4s.), by the year for the issues of a waste building in Knaresborough, in the County of York, late in the tenure of Daniel Clark, of the then yearly value of iiij li (£4) in all. . . . of the lands and tenements of Daniel Clark, late of Knaresborough, in the County of York, Shoemaker, outlawed at in (*sic*) the Castle of York, at the Suit of Philip Coates, gentleman, in a plea of trespass on the case, for which Cause by a certain Inquisition indented and taken at the Castle of York, in the said County, the xxth day of October, in the xxth year of the reign of King George the Second, before Henry Ibbetson, Esq., Sheriff of the City aforesaid, by virtue of a certain writt of our Lord the King, called a *capias utlagatum* to this Inquiry annexed. The said premisses were taken and seized into his Majesties' hands as is contained in the King's Remembrancer's side of the xxist year of King George the Second, to witt among the records of Trinity Term in the Roll (to witt) ffor the issues of the said premisses for one whole year except xxi days ending at Michaelmas, in the xxi year of King George the Second. . . .

EXTRACT FROM THE PIPE ROLL, 2 AND 3 WILL. IV.

ii . . . Of the same Sheriff oweth viij iiij (£8 4s.) by the year for the issues of a waste building in Knaresborough in the said County, in the tenure of Daniel Clark, of the yearly value of iiij li (£4), and one undivided moiety or fifth part of and in a certain farm called Moat Farm. . . . of the yearly value of xxj li (£21), of the lands and tenements of Daniel Clark, Shoemaker, outlawed at the suit of Philip Coates, gentleman, in a plea of trespass on the case, for which cause seizèd the xx day of October in the xx year of King George the Second, Roll of the said King in *adhuc item* and vi^c xxxj li iis arrears. Sum is vi^c xxxvij li vis (£638 6s.).

[It will thus be seen, on calculation, that the arrears date back, at £8 4s. per annum, to a period seventy-seven odd years previous,

Eugene Aram.

which brings the date to 1754-5. The outlawry was some years earlier, as the earlier Pipe Roll shows. One infers that, in the meanwhile, the Sheriff had successfully levied. I confess to a sense of obscurity.—E. R. W.]

(B) DOCUMENTS RELATING TO AN INQUISITION UPON A SKELETON
FOUND AT KNARESBROUGH IN 1758.

(1) DEPOSITIONS TAKEN BY JOHN THEAKSTON, ESQ., HIS MAJESTY'S
CORONER FOR THE WEST RIDING OF YORKSHIRE, AT AN INQUEST
HELD ON 18TH AUGUST, 1758.

(Indorsed.)

THE KING	}	INFORMATIONS taken before the Coroner.
v.		
Houseman and Aram.		

The examination of Mary, the wife of George Bransby, late of Knaresbrough, in the County of York, yeoman, taken upon oath the eighteenth day of August, 1758, at the house of Henry Mellor, scituate at Knaresbrough aforesaid, before me John Theakston, gentleman, His Majesty's coroner for the said County, touching the death of a person unknown, supposed one Daniel Clark.

THIS EXAMINANT saith that she knew Daniel Clark, late of Knaresbrough, cordwainer; that about Candlemas, betwixt thirteen and fourteen years ago, she was servant to Mr. Jonathan Locock of Knaresbro' aforesaid; that about eight at Night Daniel Clark came to her Master's House to borrow a Tankard, that Richard Houseman stood in the Entry, whilst Clark came into the House; that her Master not being in the House, they went away; that about nine the same Night, she was going to the Assembly Room to her Mistress, she saw Daniel Clark, Richard Houseman, and Eugenius Aram as she was in Jockey (?) Lane, and they passed the Lane End and went into Kirkgate; that she never saw Daniel Clark since, which was the night before Daniel Clark was missing, which she says she heard he was about two days after.

Taken by me,
John Theakston,
Coroner.

Her .
MARY X BRANSBY.
mark.

The examination of Dorothy Clark of Knaresbrough. . . .
Widow. . . . (formal parts as above).

THIS EXAMINANT saith that she was mother to one Daniel Clark of Knaresbrough aforesaid; that the last time she saw him was on the seventh day of february in the year seventeen hundred and forty four; he told her he was going to a Place called Newell Hall to see his wife, who was then there (the next morning); that she

Appendix I.

never heard of him or see (*sic*) him since and does believe that, had he been living, would in the space of this Time, have wrote to her, but does verily believe him to be murdered.

Taken by me,
John Theakston,
Coroner.

DOROTHY CLARK.
(Illiterate.)

The examination of Thomas Barnett. . . . Dyer, &c. . . .
(formal parts as above).

THIS EXAMINANT saith that betwixt twelve and two of the Clock at the Night, being the Night before Daniel Clark of Knaresbrough was missing, he was going Home from the Crown in the High Street to his own House, in Company with his wife, that in Church Lane End he saw RICHARD HOUSEMAN (erased) ONE PERSON (erased) a man come out of the Passage of the House of Eugenius Aram; that on seeing him, he went up to him, to see who it was; AND (erased) he being wrapt up in a wide Great Coat and the Hood over his Head; that when he made up to him, he endeavoured to shun him, but he found him to be one Richard Houseman.

Taken before me,
John Theakston,
Coroner.

THOMAS BARNETT.
(Good, bold hand.)

(Here the coroner and jury adjourned to view the body.)

The examination of Bryan Hardcastle, . . . Yeoman, &c., &c.
. . . taken at a Place called Saint Robert's Cave . . .
touching the death of one Daniel Clark.

THIS EXAMINANT saith that he very well knew Daniel Clark in his Life; that betwixt thirteen and fourteen Years ago he was missing, at which Time he had a Horse kept at Livery by this examinant, and that he had him in his Custody two Days after he was so missing, and he then delivered him to one John Halliday, who paid him for his Keeping.

Taken before me,
John Theakston,
Coroner.

His
BRYAN X HARDCASTLE.
mark.

The examination of Stephen Latham, Cordwainer, &c., taken at a Place &c. . . . touching &c. . . . (as above).

THIS EXAMINANT saith that he very well knew Daniel Clark in his Lifetime, that on Saturday morning, about thirteen Years ago last february, it was reported he was gone off and that he never has been heard of since, till on the seventeenth instant, he was informed that his Skeleton was found in Saint Robert's Cave aforesaid; that Clark in his Lifetime was possessed of good Effects; that this Examinant, after the Report of Clark's being gone off, was employ'd

Eugene Aram.

to arrest one Eugenius Aram, who was an intimate Acquaintance of Clark's; that whilst he was under arrest, he ask'd what the Debt and Charges were, and he wou'd pay them, and drew out of his breeches' pockett a large Quantity of Gold in Guineas and other large Coin, which he thinks amounted to above one Hundred Pounds, and that he knew Aram at that time to be very poor, and that was his general Character, and that he had great Quantities of Goods of different Sorts of Clark's in his Custody, as had also one Richard Houseman, of many different Sorts, which were appraised to forty five Pounds, which he pretended he had received for a Debt due from Clark to him.

Taken before me,
John Theakston,
Coroner.

STEPHEN LATHAM.
(Very fair signature.)

The examination of Peter Moor, Cordwainer, at a Place called, &c.
. . . touching the death of one Daniel Clark, late of Knares-
brough aforesaid, Cordwainer.

THIS EXAMINANT saith that he was servant to Daniel Clark in his Lifetime; that on the eighth Day of ffebruary 1744, he went with his Mistress to Newell Hall; on the same after Dinner he left his Master at his own Door; that they staid there till Sunday; that his Master told him that he would come to them the day after they went; that they went to buy Household Goods, his Master being lately married; that he never came to Newell, but on their Return, Mr. Coates informed this Examinant and his Mistress, that Clark was gone off, and that about a Day before he borrowed of this Examinant thirty eight Pounds; that, about a fortnight before he was supposed to have to have (sic) gone off, he, Clark, had been abroad; and this Examinant being at the House of one Eugenius Aram, he came there, and one Richard Houseman was there at the same time; that on his coming in, Aram said "You are welcome Home, Mr. Clark, have you got the Money?" And he told him he had received about one Hundred and Sixty Pounds; that then Aram, Clark, and Houseman went up the Stairs and this Examinant came away, and that he never heard of Clark since he was supposed to be gone off, till he heard his Skeleton was found in Saint Robert's Cave.

Taken before me,
John Theakston,
Coroner.

PETER MOOR.
(Illiterate.)

The examination of William Higgins, Surgeon, &c., &c. . . .
taken at a Place called &c. . . . upon the view of a Skeleton
of one Daniel Clark, then and there lying.

THIS EXAMINANT saith that he knew Daniel Clark, who was a Cordwainer, in Knaresbrough aforesaid, in his Lifetime; that he was missing between thirteen and fourteen Years ago, and notwithstanding

Appendix I.

the strictest Search has never been heard of since until the seventeenth instant, when by the Information of one Richard Houseman the Skeleton of Clark was found in Saint Robert's Cave, aforesaid; that he has this day viewed the Skeleton; he observ'd upon the *back* Part of the Skull of the said Skeleton a large Fracture, supposed to have been done by a Mason's Pick, or some such like tool and does verily believe the same to have been the Cause of the Death of the said Daniel Clark.

Taken by me,
John Theakston,
Coroner.

WILLIAM HIGGINS.

The examination of Aaron Locock, Surgeon, at a Place, &c., &c.
touching the Death of one Daniel Clark.

THIS EXAMINANT saith that on the seventeenth instant, by the Information of one Richard Houseman, the Body of one Daniel Clark was found in Saint Robert's Cave aforesaid; and that he has this Day viewed the same and that he observed upon the *back* Part of the Skull of the said Skeleton a large Fracture, supposed to have been done by a Mason's Pick, or some such like Tool, and that he does verily believe the same to have been the Cause of the Death of the said Daniel Clark.

Taken before me,
John Theakston,
Coroner.

AARON LOCOCK.

The examination of Philip Coates . . . Gent., taken at Saint Robert's cave upon the view of the skeleton of one Daniel Clark late of Knaresbrough aforesaid cordwainer then and there lying dead.

THIS EXAMINANT saith he knew Daniel Clark from a child; that he was a cordwainer in Knaresbrough aforesaid; that he was with Clark on the seventh of february 1744 in the night about nine of the clock, that he promised to call upon this examinant in the morning, but he, Clark, not calling, this examinant went to his house about nine of the clock the same morning; that the maid said he was gone to Newell to see his wife, and this examinant saith that on the tenth, Clark being missing, he went to Newell to seek him; that when he came there could not hear of him; nor ever did till on the sixteenth instant being informed that one Richard Houseman (who was an acquaintance of Clark's and who he likewise was informed had along with one Eugenius Aram had (sic) been last seen with him), had confessed before a justice of the peace that he saw Clark murdered and that he was buried in the said place Saint Robert's cave; that on the seventeenth instant he saw the said skeleton, and does believe it to be the remains of the said Clark and that he was so murdered and that about a week or ten days

Eugene Aram.

before he was missing he had received a large sum of money, and that no money was remaining at his house to his knowledge.

Taken before me,
John Theakston,
Coroner.

PHILIP COATES.
(Fair.)

The examination of William Tuton . . . mason . . . at the cave of Saint Robert . . . touching the death of one Daniel Clark, his skeleton then and there being.

THIS EXAMINANT saith that he very well knew Daniel Clark late of Knaresbrough aforesaid cordwainer; that the last time he saw him was on the morning before he was missing, which was on Thursday at night about Candlemas, betwixt thirteen and fourteen years ago, betwixt eleven and twelve of the clock, when Clark called upon him to take some leather into his house; that nigh three the same morning Clark called again; that being in bed he got up and spoke out of the window; that whilst they were talking together it being then moonlight¹ he observed one Richard Houseman and one Eugenius Aram standing at Clark's cellar door; that Houseman had on a wide dark-coloured riding coat and that Aram had on a light one; that when they perceived this examinant and Clark talking together they went about the corner of the street towards the castle yard, and that Clark went towards them, and that he never saw him more but heard on the said eighteenth (?) instant his skeleton was found in Saint Robert's cave Knaresbrough, and two or three days after Clark was missing he found in Aram's house a pick belonging to him and that he never had lent him one nor had any of his family as they informed him.

Taken before me,
John Theakston,
Coroner.

WILLIAM TUTON.
(Illiterate.)

The examination of Anna Aram, wife of Eugenius Aram late of Knaresbrough yeoman . . . taken at a place called, &c. . . upon the view of the skeleton of one Daniel Clark late of Knaresbrough aforesaid cordwainer then and there being.

THIS EXAMINANT saith that she well knew Daniel Clark late of Knaresbrough aforesaid; that about the eighth day of february 1744, about two of the clock in the morning the said Daniel Clark and one Richard Houseman came with her husband home and came upstairs to the room where she was and Clark had a wallet in which were contained things of value, but who brought in the wallet knows not; After staying about an hour Clark said "twou'd be soon morning and we must get off"; that they all went down together and went out of the house, but where they went knows not; that

¹ As to the moon, see Ante, p. 17.

Appendix I.

Clark went out of the door having a wallet upon his shoulders, and when they went 'twas about three; that about five of the clock the same morning her husband and Houseman came back; and her husband came upstairs. She asked him what they had been doing, but he would not give her any answer, but desired her to go to bed; and he would come to her; that she refused and she then told him she was afraid they had been doing something bad, but he gave no answer, but said he wanted a fire below stairs for Richard Houseman would not come up but chose to stay below; that as she was going downstairs, Richard Houseman said "She is coming, she'll tell"; her husband said "Poor simple thing, what can she tell? she knows nothing; so she can say nothing!" Houseman said, if she told that he was there twou'd be enough; her husband said he would bolt the door to prevent her from coming; Houseman said to her husband "Something must be done to her to prevent her telling" and pressed him to it very much: "For if she did not," he said "at that time, she might at some other." Her husband said: "We will coax her a little till this passion be off, and then take an opportunity to shoot her"; Then Richard Houseman said: "There is her cloaths" and asked her husband what must be done with them; and it was agreed that they would let her lay where she was shot with her cloaths on; that when she came down in the morning, all the ashes were taken away from out of the grate below stairs, where they had their fire, and were thrown in the yard, where she examined them, and found some pieces of linnen and woollen cloth, which were burnt, and that no part of any cloaths of the ffamily were missing; that Houseman asked her husband for a handkerchief which he put upon his head the night they went out, and that he left it when he went away; and on which she found some blood, and she never saw Clark after that: That she carried the peices (*sic*) of cloath and shewed them to Houseman and asked him what they meant, and she said she was afraid they had done something bad to CLARK (erased); but he answered he knew not what she meant, and she does believe the said Clark to have been murdered by Richard Houseman and her husband.

Taken before me,
John Theakston,
Coroner.

ANNA ARAM.
(Fair.)

(End of the Depositions.)

-
- (2) A CORONER'S ROLL INDORSED, "AN INQUISITION ON A SKELETON FOUND AT KNARESBRO'" (AND IN PENCIL "DANIEL CLARK").

An Inquisition, indented and taken at a place called Saint Robert's Cave, nigh Knaresbrough, in Yorkshire, the eighteenth day of August, in the thirty second year of the reign of our Sovereign Lord George the Second by the grace of God of Great Britain, france,

Eugene Aram.

and Ireland, King, Defender of the faith and so forth, and in the year of our Lord seventeen hundred and fifty eight, before me, John Theakston, Gentleman, His Majesty's coroner for the said County, upon the view of the Skeleton of a Human Body then and there being, upon the oath of William Wright, Thomas Wheelhouse, Christopher Norris, Thomas Hodge, John Walker, Richard Harrington, Francis Bussy, Daniel Lofthouse, Richard Calverly, Richard Simpson, Peter Atkinson, Ninian Proctor, William Yates, Geoffrey Wilkinson the younger, William Poppleton, and John Fawcett, good and lawful men of the said County, who, being Impanelled and Sworn, and charged to enquire on the part of our said Lord the King when, where, how, and in what manner the Body of the said Skeleton came to its death, do say that on the fifteenth day of August, one Richard Houseman, of Knaresbrough aforesaid, flax-dresser, confessed that the Body of one Daniel Clark, Cordwainer, of Knaresbrough, aforesaid, was murdered betwixt the hours of three and five in the morning of the Eighth day of february, in the Year of our Lord seventeen hundred and forty four, at Saint Robert's Cave aforesaid, and buried in the same Cave, and that by this Information the Skeleton was found therein, and that the said Daniel Clark has been missing from the time last aforesaid, and the Jurors aforesaid, upon their Oath aforesaid, say that Richard Houseman, of Knaresbrough, in the County of York, flaxdresser, and Eugenius Aram, late of the same place, Yeoman, not having the fear of God before their eyes, but being moved and seduced by the instigation of the Devil on the Eighth day of february, in the Year [etc.], betwixt the hours of three and five in the morning of the same day, with force and arms and so forth, at Saint Robert's Cave aforesaid, in and upon the said Daniel Clarke, whilst then and there being in the peace of God and of our said Lord the King, feloniously, voluntarily, and of their malice aforethought, made an assault, and that they the aforesaid Richard Houseman and Eugenius Aram, then and there, upon the back part of the head of the said Daniel Clark, violently, feloniously, and of their malice aforesaid (*sic*), Struck and pierced, giving to the said Daniel Clark one Mortal Wound of which said Mortal Wound he then and there instantly died, and the Jurors aforesaid, upon their Oath aforesaid, say that the said Richard Houseman and Eugenius Aram, on the, &c., &c., in the said Year, &c., at Saint Robert's Cave aforesaid, in the County aforesaid, in manner and form aforesaid, feloniously, voluntarily, and of their malice aforethought, the said Daniel Clark killed and murdered against the peace of our said Lord the King that now is, his Crown and Dignity, and the Jurors aforesaid, upon their Oath aforesaid, say that the aforesaid Richard Houseman and Eugenius Aram, at the time of the felony and murder in form and manner aforesaid, feloniously, voluntarily, and of their malice aforethought, done and committed, had not, nor either of them had, any Goods or Chattels, Lands or Tenements to the knowledge of the said Jurors, nor did they or either of them fly for the same to the knowledge of the said Jurors, In Witness whereof as well I, the said Coroner, and the said Jurors, have here-

Appendix I.

unto this day set Our hands and Seals the day, year, and place first
above written.

JOHN THEAKSTON,
Coroner.

(Assizes, 44 Rec. Off.)

(No seal.)

74

(C) INFORMATIONS TAKEN BY WILLIAM THORNTON, ESQ., A JUSTICE
OF THE PEACE FOR THE WEST RIDING OF YORKSHIRE, ALL
INDORSED "3 MARCH, 1759," IN R. v. HOUSEMAN, ARAM, AND
TERRY.

West Riding
Yorkshire.

THE INFORMATION of Philip Coates, of Knaresbro',
touching the supposed murder of Daniel Clark, of the
same, shoemaker, taken before me, one of His Majestie's
Justices of the Peace for the said Riding.

WHO SAITH that he married the sister to the said Daniel Clark's
wife; that he was in company with him on the seventh day of
February, 1744, when Clark promised to be with him the next morn-
ing about nine o'clock; which he not doing went (*sic*) to Clark's
house the next morning to enquire the reason of it, and askt the
maid were (*sic*) her master was, who told him that he was gone
to Newal to his wife; he went again the next day to enquire if he
was returned, but he could hear nothing of him; and his wife and
her sister were sirprised (*sic*) that they had heard nothing of him nor
hath she (*erasures*), or any of the family directly or indirectly to
this informant's knowledge or belief ever heard of him since save
what he has further to relate below

Which is that Daniel Clark being so amissing, and having things
of great value by him at the time of his disappearing, viz., upwards
of £200 in cash and plate to a great amount, and to away without his
horse altho' he had one at a livery stable at the time he was amissing,
and might easily have taken him if he intended to fly his country,
nor took any leave of his mother, wife, or relations, nor gave them
the least hint (?) of it: From all which circumstances he this informant
is of opinion and verily believes he hath been made away with.

And from the many circumstances he hath collected since by being
made acquainted that the night Clark was missing he was with Eugenius
Aram and Richard Houseman at an unseasonable time of night and
later on in the morning, and that they were last persons seen in
his company, and he further saith that Aram, who never us't to
have sums of money, was after the 8th of February seen to have a
great deal.

And this informant further saith that talking sometimes with Mrs.
Aram about the missing of Daniel Clark, she, Mrs. Aram, said
that she believed Houseman deserved to be hanged about him, and
her daughter said that in case her mother hanged Houseman she

Eugene Aram.

would hang her father, at which girl (*sic*) seemed much concerned; from all which circumstances this informant verily believes that his brother-in-law, Daniel Clark, has been murdered, and that Eugene Aram and Richard Houseman are the persons that perpetrated it.

PHILIP COATES.

Taken before me this 14 (12?) of August, 1758.

William Thornton.

The above informant further saith that the said Clark was advertised in the publick newspapers, and all diligence used to obtain a discovery of him, but that (not?) the least intelligence hath ever been given of him.

WILLIAM THORNTON.

West Riding
Yorkshire.

THE INFORMATION of Anna Aram, of Knaresbro', wife of Eugene (*sic*) Aram, late of Knaresbro', schoolmaster, touching what she can recollect of the circumstances relating to the murder of Daniel Clark, of Knaresbro', on or about the 8 of february, 1744.

WHO SAITH that she knew Daniel Clark, of Knaresbro', shoemaker, for that he was an intimate acquaintance of her husband's, and that they had several transactions together on and often before the 8th of february, 1744, and also that Richard Houseman was very often with them on and before the 8th of february, in the year 1744, and that on the said 8th of february, at two o'clock in the morning, Richard Houseman and Daniel Clark was at their house, and that Clark, she believes, had several things of value with him: she observed at Clark going out at that late time in the morning with Houseman and her husband; that he took a wallet with him which she believes had plate contained in it; in about two hours after this her husband and Houseman returned to their house, viz., about five o'clock in the morning, without Clark, and her husband came upstairs to her where she then was, and wanted to have a fire made below stairs, which she objected to, there being a good one above, but he said Richard Houseman, who was with him, would rather chuse to be below; she having some jealousy of what was become of Clark, she asked him what they had been doing, to which he made no answer but bade her go to bed and he would come to her, but she refused, and said she would neither go to bed with him nor without him, and said she was afraid they had been doing something they should not, on which her husband went downstairs, and she was a following him when Houseman said "She is a coming," on which her husband replied, "We will not let her"; saies Houseman, "If she does she will tell." "What can she tell?" replies Aram. "She knows nothing, we told her nothing, and she had not so much as taken any notice of us." Houseman replied if she told he was there it was sufficient; her husband said he would bolt the

Appendix I.

door to prevent her from coming, but Houseman said something must be done with her to prevent her discovering, and pressed him to it very much, and said, if she did not tell at that time she might at some other; "No," saies her husband, "we will coax her for a while and take an opportunity to shoot her afterwards," which seemed to satisfy Houseman; but in case they shot her, Houseman askt, what might be done with her cloaths? but both agreed that they would in that case let her laye with them where she was shot.

Overhearing this discourse much terrified this informant, and made her attempt to get out of the window but could not, therefore was forced to remain quiet; she further saies that during the time of Houseman's stay there her husband and he made a fire below, and in ye morning, coming down and seeing the ashes taken away, made her suspect there was some reason for it, and went to examine where they had laid them, and on examining them she observed some bitts of woollen and linning (*sic*) which she thought might belong to wearing apparel, and was apprehensive might be part of Daniel Clark's, whom she was apprehensive they had murdered, and had burnt them to prevent a discovery. She, this informant, also at the same time observed a handkerchief, that her husband took from her and lent to Richard Houseman the night before to tye about his head, to have a spot of blood about the size of a shilling.

She, this informant, further saith that she often urged since to her husband that Houseman and him (*sic*) had murdered Clark, to which he would give little or no answer; but urging the same subject to Houseman, and shewing the shreads of burnt cloath that she had pickt up from the ashes as above, he seemed very hardened and pretended he knew not what they were; and she lastly saith:

From all ye circumstances that she can recollect, she verily believes that Daniel Clark was murdered by Houseman and Aram at the time above mentioned.

And further saith . . . (deposition here breaks off).¹

ANNA ARAM.

(Fair.)

Taken before me, one of His Majestie's justices of The Peace for the sd. Riding, on oath, at Thornville y^e 14 of August, 1758.

William Thornton.

West Riding
Yorkshire.

THE INFORMATION of William Tuton, of Knaresbro',
mason, taken before me 17 of August, 1758.

WHO SAITH that on ffriday morning, about two a clock on the eighth of ffebruary, 1744, he saw Eugene Aram and Richard Houseman with Daniel Clark, near his house; Daniel Clark having just called him out of bed, and in looking out of the window to talk with

¹ Was she about to go into the two other murders?

Eugene Aram.

Clark he observed Aram and Houseman loitering at a little distance, whom (*sic*) seemed to be shy of being seen by the informant whilst Clark received his answer, and he observed Clark to join the said Houseman and Aram, and they went all away together, and he hath never heard or seen Clark since, but he verily believes that they made away with him at that time.

WILLIAM TUTOR.

Taken before me as above, at Thornville.

(Very illiterate.)

William Thornton.

West Riding
Yorkshire.

THE EXAMINATION of Richard Houseman, of Knaresbro',
linning weaver, touching the murder of Daniel Clark, late
of Knaresbro', shoemaker, taken before me, one of his
Majestie's Justices of the Peace for the said Riding.

WHO SAITH that he was in company with Daniel Clark the night before he went off, which he believes might be on a Thursday in February, 1744, and the reason of his being then with him was upon account of some money (*viz.*, £20) that he had lent Clark, which he wanted to get again of him, and for which he then gave him some goods, which took up some time in carrying from Daniel Clark's house to his, and might take him from about eleven o'clock at night, being the time he went to Clark, till some time the next morning, the goods which he, the examinant, took was leather and some linning cloth, which as soon as he had possest himself of, and also a note of the prices he was to sell them at, he left Clark at Aram's house, with Aram and another man, not known to this examinant, who further saith that Aram and Clark immediately after followed him out of the house and went into the market place with y^e other unknown person, which he could very well observe and discover by the light of the moon, and does not know what became of them after, and utterly disowns coming back with Aram again that morning to Aram's house, as charged by Mrs. Aram, and without Clark, nor was ever with Aram at his house that night, but with Clark were (*sic*) he went to find him to obtain the note from Clark as above, which he now saies was obtained at Aram's house and not at Clark's, for that he only got all the goods at Clark's house, and when he secured the goods at his own house he went to seek Clark to obtain the note and found him at Aram's with the unknown person, and after he obtained the note he came away directly as before related.

Now Houseman saith that the unknown person was in the street the first time he saw him, and does not know wether (*sic*) he was in the house at all with Aram.

This examinant saith that he did not see Clark take any watch, plate, or things of value along with him when they came out of the house the last time late in the morning.

The examinant admitts that some time after Clark was a missing, Anna Aram came to him in a passion and demanded money of him,

Appendix I.

and said he had money of her husband's in his hands, and pretended to shew some shreds of cloath, and demanded of him if he knew what they were, and he answered that he did not know what they were, and entirely disowns that he has ever been charged with the murder of Daniel Clark till now by Anna Aram.

Upon asking the examinant if he chose to sign this examination, he said he chose to waive it till further, for he might have something to add to it; therefore desired to have time to consider of it.

Taken before me at Thornville,

this 14 day of August, 1758.

William Thornton.

The further examination and confession of Richard Houseman, late of Knaresbro', flaxdresser.

(in fold "Houseman--Confession.")

THIS EXAMINANT saies that true it is that Daniel Clark was murdered *and* (superscribed) by Eugene Aram, late of Knaresbro', Schoolmaster, as he believes, and to the best of his remembrance he did it on Friday morning, the eighth of February, 1744.

(Here follow many erasures)

AS SET FORTH BY OTHER INFORMATIONS AS TO THE MATTER OF TIME, FOR THAT (erased), for that he and Eugene Aram and Daniel Clark were together at Aram's house early on that morning, and there was snow upon the ground, and moonlight,¹ and went out of Aram's house a little before them, and went up the street a little before them, and they called to him to go a little way with them, and he accordingly went with them to a place called Saint Robert's Cave, near Grimble bridge, where Aram and Clark stopt a little, AND IN THEIR WAY THITHER STOPT A WHILE AT THE GRIMBLE BRIDGE (erased), and there he saw Aram stricke him several times over the breast and head, and KILLED HIM (erased), saw him fall as if he was dead, and he, this examinant, came away and left them together, but wether (sic) Aram used any weapon or not to kill him with he can't tell, nor does he know what he did with the body afterwards, but believes Aram left it at the cave's mouth, for this examinant seeing Aram do this, to which he declares he was no way abetting or privy to, nor knew of his design to kill him at all, did this INFORMANT (erased) examinant make the best of his way from him least (sic) he might share the same fate, and got to the Bridge end, and then lookt back, and saw him coming from the cave side, which is in a private rock adjoining the river, and he could discern some bundle in his hand, but does not know what it was: On which this informant (sic) made the best of his way to the town without joining Aram again or seeing him again till next day, and from that time till this he never had any private discourse with him.

Taken before me this

15 of August, 1758.

William Thornton.

RICHARD HOUSEMAN.

(Fair writing.)

¹As to the moon, see Ante p. 17.

Eugene Aram.

West Riding
Yorkshire.

THE EXAMINATION of Eugene (*sic*) Aram, late of Linn, schoolmaster, but formerly of Knaresbro', concerning the murder of Daniel Clark, taken before me, William Thornton, one of His Majesty's Justices of the Peace for the said Riding, this 21st day of August 1758.

WHO SAITH that he was well acquainted with Daniel Clark, and to the best of his remembrance it was about and before the 8th of february, 1744, but utterly disowns having any criminal connexions (*sic*) with him, such as Clark stood charged with at or before the time of his disappearance, which might be about the tenth of february, 1744, when he, this examinant, was arrested by WARRANT (*erased*), a process for a debt; during the time of which being in custody he first heard that Clark was a missing; after his release from such custody he was apprehended by a Justice of the Peace's warrant for a misdemeanour, from which complaint (?) upon appearing before the Justices, the (*erasures*) charge not being made out against him, he was dismissed; after which he continued to reside at Knaresbro' for a considerable time without molestation of any kind AFTER (*erased*); when he removed to near Nottingham (*sic*) to be with some relations for a few days, and then went to London, where he resided publicly till he went to Linn, which was about seven months ago, where he was arrested by a warrant on account of a suspicion of being concerned in the murder of Daniel Clark.

This examinant admits that he might be with Clark on THE EIGHTH OF (*erased*) february, 1744, but does not recollect being at Mr. Carter's, a publick house in Knaresbro', with a Jew¹ and Richard Houseman, a flaxdresser, and Daniel Clark, at about twelve a clock at night on the seventh of february, 1744, nor does recollect ever being in company with Clark and Houseman after two a clock in the morning at any time or place in february, 1744, nor after three a clock in the morning, nor at Grimble bridge, nor at nor near a place called Saint Robert's cave on the 8th of february, 1744, in the morning; nor does he know any thing thing (*sic*) of the aforesaid Clark's being murdered there at all; nor does he recollect being along with Clark and Houseman AT WILLIAM TUTIN'S (*erased*) when Clark called upo William Tutin on the 8th of february in the morning, nor does remember anything of a mason's tool being found in his house, when he was arrested by a warrant in 1744, nor does he remember meeting Mr. Barnets (*sic*) or seeing him in company with abovesaid persons at that unseasonable time in the morning as above, viz., the eighth of february in the morning (the scribe meant that Aram was in company, &c., &c.); nor does he remember his coming home the said morning at five a clock with Houseman and making a fire for them in his house as he stands charged by his wife; nor

¹ Was this the fourth man of the York Pamphlet, or was he the (supposed) first victim, found on 1st August, 1758?



Eugene Aram—the portrait recognised by Mrs. Beatley
as excellent.

(From an engraving in the possession of the author.)

Appendix I.

does he remember having so great a sum as fifty guineas about that time, or pulling such a sum or a greater out of his pocket, which he stands charged with.

Nor did he ever ask or endeavour to suborn any one person to say they had seen Clark since the eighth day of February, 1744, UNLESS THEY HAD REALLY SEEN HIM (interlined), but true it is that he hath often made inquiry about him, and he thinks he hath heard some persons say that they have seen him since, and particularly his brother Stephen Aram; but he does not recollect at present any other person except another brother of his, Henry Aram, which (*sic*) have said they have seen him, nor does NOT (erased) know where these brothers of his did say they had seen him at. THIS EXAMINATION (erased) As to the examination of further particulars touching the premisses and to signing this examination, this examinant chuses to waive them for the present, that he may have time to recollect himself better and more fully, lest anything might be omitted or slip his memory, that is material which may hereafter occur to him.

Taken before me as above at

Thornville,

William Thornton.

EUGENE ARAM.

[The signature is large, straggling, and by no means scholarly. In view of the foregoing, I suspect it is not genuine.—E. R. W.]

On the same day as above, in consequence of the foregoing examination, and after mature deliberation and at his own instance, Eugene Aram desires to make FARTHER (written over another word ending in "Y") discoveries relating to the affair of the missing of Clark.

And saith that true it was that he was at his own house on the seventh of February, year 1744, at night, when Richard Houseman and Daniel Clark come (*sic*) to him with some plate and went out for more several times both of them, sometimes one of them and sometimes the other, and came back with several pieces of plate, which Clark was endeavouring to defraud his neighbours (*sic*) of; and could not but observe that Houseman was all that night very diligent to abett him and assist him, and did it to the utmost of his power; and this examinant insists this was Houseman's business that night, and not the signing of any note or instrument or agreement, as mentioned and insisted on by Houseman and THIS EXAMINANT SAITH (super-scribed and erased) this examinant saith that Henry Terry, then of Knaresbro', ale-house keeper, was as instrumental in abetting the said frauds as either Houseman or Clark, but was not there because it was market-day, and his absence from his guests might have occasioned some suspicion, but that Terry, notwithstanding, brought two silver tankards that night upon Clark's account, which had been fraudulently obtained.

This examinant further (*sic*) that Houseman at that time, so far (from) having lent Clark £20 as he hath insisted on, that he very well knows that he never ought (*sic*) him but £9, which he had paid him again before that night; and further saith that all leather Clark had, which was of considerable value, he very well knows that Houseman had then concealed under flax in his own house, and

Eugene Aram.

intended to dispose off (*sic*) little by little, in order to prevent suspicion of his being concerned in Clark's fraudulent practices at all.

And this examinant further saith that Mr. Illes of Knaresbro', by divers undue means and threatenings, possess himself of considerable effects belonging to Clark.

And this examinant further saith that as to the plate and other things that Clark had so fraudulently possess himself off, after that Abram Spence had taken off the goods (which Mr. Illes afterwards possess himself off) into the Dales, then Richard Houseman, CLARK, AND THIS EXAMINANT WENT INTO THE (erased), took the watches, rings, and several small things of value, and Clark took the plate in a bag, and the abovesaid Henry Terry having taken the great plate at (*sic*) Clark carried them into the long long (*sic*) flat, where they and this examinant all went together to SAINT ROBERT'S cave (THIS BEING ON THE EIGHTH OF FEBRUARY, 1744, EARLY IN THE MORNING, WHICH RICHARD HOUSEMAN AND TERRY ONLY WENT INTO WITH CLARK, WITHOUT THIS EXAMINANT, WHO STAID WITHOUT . . . AS IN . . . WHICH THEY SINCE . . . WATCH TILL THEY . . .) (all much erased and corrected). Where they beat most of the plate flat, and it was then too late at that time in the morning, being about four a clock on february 7-8, 1744, for Clark to go off so as to get any distance; therefore, this examinant saies, it was agreed that he should stay there till the night following, and Clarke accordingly staid there THE NEXT DAY (erased), as this examinant believes, all that day, they having agreed to send him victuals AS THEY TOLD HIM, AND THAT (erased), which was carried to him by Henry Terry, he being . . . the properest person, and could do it with the least suspicion, being a shooter, and could it under pretence of sporting, and this examinant saith that the next night, very early Henry Terry (AND THIS EXAMINANT AND) (erased) Richard Houseman and himself went down to the cave AS SOON AS THEY COULD (erased) to Clark, in order that CLARK (erased) he might have more time to get off, but this examinant did not go into the cave or see Clark at all, but Richard Houseman and Henry Terry only went into the cave, and he staid to watch at a little distance on the outside, least anybody should come and discover them, and he believes, FOR HE HEARD A GREAT NOISE—THEM MAKE A GREAT NOISE (erased); they were beating some of the plate, for they told him so, for he heard A GREAT NOISE (erased), them make a great noise, and they staid there about an hour and then came out of the cave, and returned and told him Clark was gone, but upon observing a bag they had along with them, he took it into his hand, and saw it was plate, and askt, "What! has not Daniel taken the plate along with him?" And Richard Houseman replied, as well as Terry, that they had bought it of Daniel, as well as the watches, &c., &c., and given him money for it, which was more convenient for him to go off with, as he found it cumbersome and dangerous. THEY (erased), and both Houseman and Terry told this examinant; that as they had bought these things of Clark, he had nothing to do with

Appendix I.

them (italics in MS.); after which they all three went into Houseman's ware-house (*sic*) and concealed the watches and snial (*sic*) plate there, save what Terry carried away with him which was the great plate, and afterwards Terry told him he carried it to Hough hill and concealed it there, and afterwards TOLD HIM (erased) carried it to Scotland and disposed of it there, but as to the murdering of Clark, this examinant can't tell anything of it, nor can't tell what to say, wether (*sic*) he was murdered or not, only they told him he was gone off.

EUGENE ARAM.

(Large, scrambling signature.)

[The passages in this examination reflecting on Illes, as well as Terry's following, have hitherto not figured in any reports of the trial; for some reason, also, the italicised passage has been omitted.]

West Riding Yorkshire.

THE EXAMINATION of Henry Terry, prisoner, on suspicion for being concerned in the murder of Daniel Clark, taken before me, one of his Majestie's justices of the peace for the said Riding.

WHO SAITH that he was acquainted with Daniel Clark, of Knaresbro', shoemaker, but he never had any dealings with him of any kind, nor had been converſant with him of a long time before he was a missing, which might be about the 8th of february, 1744, but this examinant can't take upon himself at this distance of time to be very certain about the time.

But very well remembers that Eugene Aram, schoolmaster, was about that time under some confinement or arrest, which, as he apprehends and believes, was upon account of a warrant issued out against him by Mr. Townsend (or "Townend" or "Tancred."--- E. R. W.), one of His Majestie's Justices of the Peace, for having possest himself of some goods which Clark had fraudulently obtained, before the time of his being missing; some of which things, he believes, were found in Aram's house or in his possession, but that he himself never had any of the goods, plate, or effects belonging to Clark at all, nor knows anything about them of his own knowledge, but only by hearsay, which was, that Mr. Illes had possest himself of such to a considerable amount, but knows nothing of Richard Houseman's having any of the effects of Clark, but knows very well that Clark, Houseman, and Aram were very frequently together about that time, and observed them often walking the streets together. He, this examinant, further saith that he has a brother that then lived and now does at a farm at How hill, viz., Robert Terry, and that Aram has a brother called Henry, whom the said Aram emploied this examinant about that time to go to Hull to enquire after, and to get him to come over to Knaresbro' to his brother; and as to bringing two tankards to Aram's house on account of Clark, as he stands charged with, he

Eugene Aram.

absolutely denies to be true; nor can at this distance of time undertake to charge his memory with being at Aram's house on that night at all, but believes he was at his house in the day time about that time.

He denies that he knows anything of Houseman's possessing himself of watches or anything of value belonging to Clark, or that he took a bag of plate on the seventh of february at night into the long flat; BUT (erased) he utterly disowns going to Saint Robert's cave, or being in it on any account with Aram and Clark and Houseman, or of being in it at any other time, or of knowing where it is; and denies that he was privy to, or knew of, any victuals being carried to Clark whilst in Saint Robert's cave, as he hath been charged with.

And utterly disowns that he knows anything relating to the murder of Clark; but if there was such a thing as Clark's being murdered, he should sooner suspect that Houseman and Aram were the perpetrators of it than any body else.

Taken before me this 26th of

August, 1758.

William Thornton.

HENRY TERRY.

(Fair writing.)

York, 3rd of March, 1759.

THE KING

v.

Houseman, Aram and Terry.

Prosecutor's affidavit
in order for defendants'
continuance in Goal (sic).

Sworn 10th of March, 1759.

THE KING against RICHARD HOUSEMAN, EUGENE, otherwise EUGENIUS ARAM, and HENRY TERRY.

Philip Coates, of Knaresbrough, in the County of York, yeoman, the prosecutor in this cause, maketh oath that the said Richard Houseman, Eugene, otherwise Eugenius Aram, and Henry Terry, are now detained as prisoners in His Majesty's Goal, the castle of York, having been committed there in or about the tenth day of August last on suspicion of murdering one Daniel Clark, late of Knaresbrough, aforesaid, in the month of February, one thousand seven hundred and forty-four; And this deponent further saith that by reason of the great length of time, which hath elapsed from the time the supposed murder was committed, in which no circumstantial proof appeared so as to charge the said Richard Houseman, Eugene, otherwise Eugenius Aram, and Henry Terry in being concerned in the said murder, till the month of August last, so this deponent hath not been able as yet to procure the several witnesses and proofs, which are very material and necessary witnesses, as he, this deponent, is informed and believes, to be produced on 'this Tryal against the said Richard Houseman, Eugene, otherwise Eugenius Aram, and Henry Terry, for the said murder; and this deponent further saith that for want of such his witnesses, and from the several and various circumstances, which appear in this cause and which this deponent

Appendix I.

as yet hath not been able from the great length of time that hath elapsed as aforesaid fully to make out, this deponent can't safely proceed to Tryal at the said Assizes; And this deponent further saith that a very material circumstance relative to the said murder hath appeared since the commencement of these Assizes, which this deponent can't effectually prove for want of sufficient time to procure his witnesses to prove same.

Sworn at the City of York, the 10th day
of March, 1759,
before me,

PHILIP COATES.

M. Foster.

(I.e., Sir Michael Foster, a judge of the K.B.)

Here follow the several recognizances of the witnesses bound over by Theakston and Thornton respectively.

One document comprises those of—

John Barker, cordwainer.

Francis Moor, hatter—each in £20; and

Barbara Leetham, widow—in £10.

Another binds Philip Coates in £20, and another

Anna Aram and

William Tuton—in £20 each, and

William Thompson, a chimney-sweep, in £10.

These are all taken by Thornton.

William Higgins, Aaron Locock, surgeons; Thomas Barnett, a dyer; Stephen Lathom, cordwainer; Bryan Hardcastle, yeoman; Peter Moor, cordwainer; and Dorothy Clark, widow, were all bound by Theakston in £20 apiece, on the 18th of August, 1758.

(This completes the documents in the Assize bundles, marked 45
in the Record Office.) 26

EXTRACTS FROM THE MINUTE AND GAOL BOOKS OF THE NORTHERN CIRCUIT, ANNO 1759.

MINUTE BOOK (ASSIZES $\frac{42}{7}$)

Friday morning.

Present—Mr. Justice Noel.

JURY.	Thomas Sutton.	William Aked.	John Brook.
	Robert Shelton.	Richard Crosier.	Joseph Clement.
	Robert Kitchin.	Richard Marshall.	John Whittaker.
	William Edmond.	Nathaniel Priestley.	Thomas Coates.

puts guilty burnt in y^e right hand,

George Mason, for stealing two pecks of malt, price one shilling
and sixpence, and three pecks of wheat, value two-
pence, the property of Robert Calverly.

Same Jury

puts not guilty,

Richard Houseman, for the murder of Daniel Clark.

Eugene Aram.

Same Jury

putts Guilty, *to be hang'd and body anatomised* [erased], to be hung in chains on Knaresbro' forest,

Eugene Aram, otherwise Eugenius Aram, for the murder of Daniel Clark.

Same Jury

putts not guilty,

Henry Terry, for the murder of Daniel Clark.

(Here follow the other cases in the day's cause-list.)

GAOL BOOK (ASSIZES $\frac{41}{4}$)

YORKSHIRE,

3rd March, 1759.

Charles Turner, Esq.,

High Sheriff;

Sir Digby Legard,

Foreman.

Richard Houseman.
Eugene Aram.
Henry Terry.

{ On reading the
affidavit of
Philip Coates,
the prosecutor,
Let them remain
in goal until
the next assizes.

Michael Foster.

Extra's in murder.

putts, 28th July, 1759, Guilty,

Eugene Aram, late of Knaresbro', in the county of York, schoolmaster,
a.d. (*alias dictus*), Eugenius Aram, late of Knaresbro', in the county
of York, schoolmaster, for the murder of Daniel Clark,

putts, 28th July, 1759, Not Guilty,

Richard Houseman, late of Knaresbro', in the County of York, flax
dressor, for the murder of Daniel Clark.

Charles Turner,
Esq., Sheriff;
Sir Cecil Wray,
Foreman.

YORKSHIRE TO WIT.—THE GENERAL GOAL DELIV-
ERY OF OUR LORD The KING of his County of
York, held at the CASTLE of YORK, in, and for
the said County, on SATURDAY, the twenty eighth
day of July, in the thirty third year of the reign
of our Sovereign Lord, GEORGE the second, now
KING of GREAT BRITAIN, etc. Before the Honour-
able Henry Bathurst, Esquire, one of the Justices
of His Majestie's Court of Common Pleas, William
Noel, Esquire, one other of the Justices of the
same Court, and other fellow Justices of our said
LORD and KING, assigned to deliver his GOAL there
of the Prisoners therein being, &c.

Appendix I.

Eugene Aram, } Attainted of murder. To be hanged on Monday, the
otherwise Eugenius } 6th day of August next, and his body to be hang'd in
Aram. } chains upon Knaresbro' forest, near to the town of
Knaresbrough.

(Here follow the sentences of death on the two Cockburns for burglary and some others.)

Richard Houseman, Henry }
Terry, Mary Wilson, Isabel, } Not Guilty to be
the wife of William Cockburn, } discharged.
&c., &c., &c., &c.

William Noel.

(This concludes the Record office MSS. relative to the case.)

EXTRACT FROM GOAL BOOK FOR 1768 (Assizes $\frac{42}{8}$)

LET the body of Thomas Lee, after execution, be hung in chains as near as may conveniently be to Grassington Gate, near the town of Grassington.	} Thomas Lee. {	Attainted of murder, to be hang'd on Mon- day, the 25th day of July instant, and his body to be dissected and anatomised. (Sd.) Joseph Yates.
--	-----------------	---

(Confirms anecdote in Scatcherd, and proves that the order for hanging in chains was subsequent to sentence.—E. R.W.)

APPENDIX II.

EXTRACTS FROM THE CONTEMPORARY PRESS.

1744 TO 1759.

(1) THE MISSING OF DANIEL CLARK.

(Only one extract extant.)

(Extract from the York Courant, dated Tuesday, 12th
March, 1745.)

WHEREAS DANIEL CLARKE, OF KNARESBROUGH, a thin, pale looking Pock-broke Man, about five Foot six or eight Inches high, aged about twenty-three Years, has a very great Impediment and Stammering in his Speech, went from Knaresbrough on Friday the 8th

Eugene Aram.

of February last, and defrauded several Persons of large Quantities of Goods, viz., Silver-Pints and Quarts, Diamond and Gold Rings, Watches, Snuff-Boxes, Books, &c., the Particulars of which may be seen at Large in this Paper of the 12th, and 19th of February last.

Whoever can give an Account of the said Goods (so as they may be had again) to Mr. James Collins, Mr. Francis Iles, Mr. William Clayton, or Mr. William Pullen, of Knaresbrough; Mr. Ward, Bookseller in York; or Mr. William Sandby, Bookseller, at the Ship, without Temple-Bar, London, shall receive FIFTEEN POUNDS Reward for the Whole, or in Proportion for any Part thereof, from any of the Persons above-mention'd; and no Questions ask'd.

(2) THE FINDING OF THE BONES, AND ARREST OF THE PRISONERS.

*(Extract from the Leeds Intelligencer, dated Tuesday,
29th August, 1758.)*

Richard Houseman, flax-dresser, Henry Terry, and Eugene Aram, schoolmaster, were a few days ago committed to York Castle, on Suspicion of murdering Daniel Clark, a shoemaker at Knaresbro' about 14 Years ago. The Circumstances attending this are somewhat remarkable, and are as follows.

Some workmen were lately digging about Sir (*sic*) Robert's cave, near Knaresbro', found the remains of a Body, which they supposed to be murdered; and as Daniel Clark had suddenly disappeared, and was generally thought to have been murdered, they therefore carried Houseman before a Justice of the Peace on Suspicion, as he was one of the last Persons seen in Clark's Company. On his Examination, he said that the Body found was not Clark's, for he was buried in another Place, where he mentioned, and accordingly the Remains of another Body was found.

(Extract from the Cambridge Journal, dated 26th August, 1758.)

York, Aug. 22nd.

Last week Richard Houseman was committed to the castle on Suspicion of murdering Daniel Clark, of the same Place, Shoemaker, about 14 years ago. The Circumstances attending this are somewhat remarkable, and, we hear, are as follows.

Some workmen, who were lately digging about Saint Robert's cave, near Knaresbro' found the Remains of a Body, which they supposed to be murdered; and as Daniel Clark had suddenly disappeared, and was generally thought to have been murdered, they imagined it might be his Body; and therefore carried Houseman [&c., &c., as above. . . .] On his Examination before the Justice he said [&c., &c., as above. . . .] was found there. On which he was committed as above, and yesterday Eugene Aram was committed to the Castle on Suspicion for being an Accomplice in the above Murder.

Appendix II.

(Extract from the London Evening Post, 24th-26th August, 1758.)

Last week Richard Houseman was committed to the castle on Suspicion of murdering Daniel Clark, of the same Place, Shoemaker, about 14 years ago. The Circumstances attending this are somewhat remarkable, and, we hear, are as follows.

Some workmen, who were lately digging about Saint Robert's cave, near Knaresbro', found the Remains of a Body, which they supposed to be murdered; and as Daniel Clark had suddenly disappeared, and was generally thought to have been murdered, they imagined it might be his Body; and therefore carried Houseman [&c., &c., as above. . . .] On his Examination before the Justice he said [&c., &c., as above. . . .] was found there. On which he was committed as above, and yesterday Eugene Aram was committed to the Castle on Suspicion for being an Accomplice in the above Murder.

(Extract from the London Evening Post, 31st August, 1758.)

York, Aug. 29.

Last Saturday Henry Terry was committed to the Castle on suspicion of being concerned in the murder of Daniel Clark, of Knaresbrough, lately mentioned.

Lloyd's Evening Post of 1st September, 1758, has an identical paragraph.

(Extract from the Whitehall Evening Post of 7th-9th September, 1758.)

Extract from a letter from a correspondent in Yorkshire.

At the town of Knaresbrough, in Yorkshire, about twenty miles from hence (York?) a man was digging (*sic*) for Limestone and found the Bones of a human Body; it being an uncommon Place made some Stir, insomuch that they examined a Woman in the Town, who had often been heard to say, she had it in her Power to hang her Husband (who had been from her several Years) and several others in that Neighbourhood: Upon examining her they discovered the Murder of three Men as follows. Several Men in the Town agreed together, that one of them, under Specious Pretences, should borrow Plate, Jewels, &c., of all substantial People in the Town, and then make off with the Booty: It fell to the Lot of one Clark to borrow, who met with the wish'd for Success; at that time a Jew and his Man were in the Town, they sent for him, offered him the Goods, and sold them to him and received the Money, when done, they murdered both the Jew and his Man, and buried them; while they were throwing the Earth upon them, one of the Company whose name is Arom (*sic*) and who is now in York Castle, with another Confederate, took up a Pick-Axe, and struck Clark into the Skull and killed him, and buried him in another Place, and so they became Masters of the Whole

Eugene Aram.

unsuspected: Every one concluding Clark was quite gone off with the Goods he had borrowed. This happened Fourteen Years since.

Payne's Universal Chronicle, or Weekly Gazette, for 9th-16th September, and *Lloyd's Evening Post* for 8th-11th September, 1758, have a similar account headed, "Extract of a letter from Yorkshire." The *London Evening Post* of 9th-12th September is to the same effect, omitting the words, "whose name is Aram." No doubt many more, now no longer extant, published similar scandalous statements in utter contempt of Court.

Owen's Weekly Chronicle, for 26th August, 1758, under "Country News," has an account beginning, "The week before last Richard Houseman, &c.," as in the *Cambridge Journal*, *supra*, and others.

The Public Advertiser, for 26th of August, 1758, has a letter from York of the 22nd to the same effect, but not mentioning the arrest of Aram and his incarceration the previous day.

Lloyd's Evening Post, for 25th-28th August, and *The Ipswich Journal*, for 2nd September, 1758, have accounts identical with that in *The Cambridge Journal*.

(3) THE YORK LENT ASSIZES. 1759.

(*Extract from the Leeds Intelligencer, dated 6th March, 1759.*)

The following Prisoners are to take their Trials at the Castle of York, at the Assizes, which began Yesterday before the Right Honourable William Lord Mansfield, and Sir Michael Foster (Charles Turner, Esq, High Sheriff), viz., Richard Houseman and Eugene Aram, on Suspicion of murdering Daniel Clark, of Knaresbrough; and Henry Terry, charged on Examination of Eugene Aram, with being in Saint Robert's Cave with Clark, at the time of his being missing, and with bringing a large Quantity of Plate, out of the cave, &c.

(*Extract dated 13th March, 1759.*)

We hear from York, that the Trial of Houseman, &c., on Suspicion of murdering Daniel Clark, of Knaresbro' 14 years ago, is put off till the next Assizes.

(*Extract from the Cambridge Journal of 17th March, 1759.*)

York, March 13.

Yesterday the Assizes ended for this County. . . . Richard Houseman, Eugene Aram, and Henry Terry, on Suspicion of murdering Daniel Clark, were ordered to be continued in Goal till the next Assizes, it appearing to the Court, on Affidavit, that the prosecutor could not be fully provided with his Witnesses at this time, it being above fourteen years since the Fact was committed.

Lloyd's Evening Post of 14th-16th March, 1759, contains the same news. *The Ipswich Journal* for 24th March, 1759, gives an account of the Assize business, but omits all reference to Aram's case.

Appendix II.

(4) YORK SUMMER ASSIZES. TRIALS OF HOUSEMAN, ARAM, AND TERRY. EXECUTION OF ARAM.

(Extract from Jackson's Oxford Journal.)

Last Friday came on at York the Trials of Richard Houseman, of Knaresbro', Eugene Aram and Henry Terry, for the murder of Daniel Clark of Knaresbro' aforesaid, who disappeared on the 8th of February, 1744-5, having a little Time before borrowed and bought on Credit a large Quantity of Silver Plate, a great Number of Watches, Rings, and other Things of Value, for the Sake of which it is supposed he was murdered, no Account ever having been given of him or them. Richard Houseman was acquitted and then admitted Evidence; who deposed That in the Night between the 7th and 8th of February, 1744-5, after above two Hours spent in passing and repassing to and fro between their several Houses to dispose of various Goods, and to settle some notes concerning them, Aram proposed first to Clark and then to him, to take a Walk out of Town; that when they came to the Field where Sir (sic) Robert's Cave is, Aram and Clark went over the hedge into it; and when they came within six or eight Yards of the Cave, he saw Aram strike Clark several Times, upon which he fell, and he never saw him more, but saw no Instrument that he had, and knew not that he had any; that on this, without any Interposition or Alarm, he left them and returned home. And being asked why he did not discover the Affair, said That Aram threatened to take away his life, if he made any Discovery of what had passed. Houseman's Evidence was delivered with all the Anxiety, Diffidence and Embarrassment of conscious Guilt, solicitous to accuse the Partner of his Iniquity no farther than it consisted with the keeping the Curtain drawn between the Court and him. Aram in his defence (that he had drawn up previous to his Trial, which as a defence, could not avail to exculpate him; but as a Composition it was greatly admired for the Closeness and Acuteness of the Reasoning and in general for the Propriety, the Force, and Eloquence of the Expression) expatiated greatly on many innocent Persons suffering by the Perjury of Accomplices and circumstantial Evidence, and as such recommended himself to the Clemency of the Judge and Jury; who on Houseman's evidence, with corroborating circumstances given by others, immediately brought him in Guilty; and Sentence of Death was passed upon him.

Last Monday (being the day fix'd for his Execution) he cut with a Razor, which he had concealed in his Cell some Time before, the Veins of his Left Arm a little above the Elbow and also a little above the Wrist, but miss'd the Artery, by which, before it was discovered, he had lost so much Blood, that he was rendered very weak. Surgeons were immediately sent for, who stopp'd the Bleeding, and he was carried to Tyburn (at which Place he was sensible, tho' very feeble, and was there ask'd if he had any Thing to say, to which he answer'd "No,") where he was executed and his Body carried to Knares-

Eugene Aram.

brough Forest, where it is to be hung in Chains in the nearest Part of it to that Town, pursuant to his Sentence.

He wrote an Account of his Life, which with the Defence he made on his Trial, he left with the Rev. Mr. Collins of Knaresbrough.

The *London Evening Post*, the *Cambridge Journal*, and *Lloyd's Evening Post* have identical reports in their issues for 9th-12th August, 11th August, and 8th-10th August respectively, the *Cambridge Journal* adding, "Henry Terry, indicted for being an accomplice in the said murder, was acquitted."

(*Extract from the Leeds Intelligencer, 7th August, 1759.*)

We hear from York that Richard Houseman turned Evidence against Eugene Aram, for the murder of Daniel Clark of Knaresbro', about 14 years ago; and on which the said Aram was convicted, and executed Yesterday at York, and his Body will be hung in Chains nigh Knaresbrough. As nothing appeared against Henry Terry, he was acquitted.

(*Extract from Read's Weekly Journal or British Gazetteer, for 11th August, 1759.*)

At York Assizes (which began on Saturday, July the 28th) Eugene Aram, charged with the murder of Daniel Clark of Knaresbrough, several years since, was found guilty, and ordered to be executed the next day. Richard Houseman and Henry Terry, charged with the above murder, were admitted evidence for the Crown.

(This report, short as it is, contains two blunders, one as to the date of the execution, the other as to Terry turning King's evidence.)

The *Public Advertiser*, for Saturday, 11th August, and the *London Chronicle*, for 9th-11th, have very similar reports. The latter also records Terry's acquittal.

(*Extract from the London Chronicle of 16th-18th August, 1759.*)

York, Aug. 14th.

Last week a mob assembled about Richard Houseman's house, in Knaresbrough (who was acquitted of the charge of being concerned in the murder of Daniel Clark, in order to be admitted an Evidence against Eugene Aram, as mentioned in our last), and it was with great difficulty they were prevented from pulling it down. However, they carried Houseman about the streets in effigy, which was afterwards knock'd on the head with a pick-ax (*sic*), and then burnt.

The *Cambridge Journal* of 18th August has a York letter, dated 14th August, to the same effect. The same paper reports the next day's cases, including the breach of promise before Bathurst, J., of Redfern v. Bowes.

Appendix II.

(*Extract from the Newcastle Courant.*)

York, August 4.

Last Friday came on the trials, &c. . . . Richard Houseman was acquitted and then admitted evidence, which with corroborating Circumstances given by others, the Jury immediately brought him in guilty; and Sentence of Death was passed upon him. Yesterday morning, &c. . . . He was carried to Tyburn, where he was executed, and from thence to Knaresbrough Forest, where his Body is to be hung in Chains, in the nearest Part of it to that Town, pursuant to his Sentence. Henry Terry, indicted for being an Accomplice in the said Murder, was acquitted.

(All later newspaper reports, such as that in *The Universal Chronicle* for 25th August-1st September, are excerpts from one or other of the printed pamphlets, which succeeded one another in rapid succession, from 16th August onwards. The following is the advertisement of Sympson's edition:—

This day is published, Price 6d., The Genuine Life, Trial, and Dying Words of Eugene Aram, who was convicted the 3rd. of August instant at York Assizes, and executed the 6th for the murder of Daniel Clark of Knaresbrough fourteen years ago. Containing the strange and wonderful Manner by which this Murder was first discovered; his attempting to bleed to Death by cutting his Arm with a Razor the Night before he suffer'd, his Behaviour and last dying Words at the Place of Execution, with the Copy of a Letter he deliver'd to a Person who attended him in his last Moments.

Printed by C. Sympson, in Stone-cutter Street, Fleet-Market, of whom may be had

The Amorous Duchess, or the Lucky Gamester—a novel founded on Facts—Price one Shilling.

The Fortunate Beauty, or Love and Hatred reconciled—Price one shilling.

(*From the Public Advertiser, 16th, 17th August, &c., 1759.*)

APPENDIX III.

PHRENOLOGICAL OBSERVATIONS ON THE SKULL OF
EUGENE ARAM, WITH AN ACCOUNT OF ITS HISTORY
SINCE 1759, AND A REPORT OF PROFESSOR KEITH UPON
THE SKULL OF CLARK.

ARAM'S SKULL TAKEN FROM THE GIBBET BY DR. HUTCHINSON.

(*Extract from the Literary Gazette, January, 1832.*)

SIR,

Dec. 9th, 1831.

Some years since, &c., &c.

The doctor sallied forth from the town of Knaresbrough, with a

Eugene Aram.

ladder on his shoulders and with the firm purpose of mounting the gibbet and detaching from the iron hoop, which bound it, the skull of Eugene Aram. The gibbet clung to its own property with wonderful tenacity, but the *ardor* of the Doctor became a *furor* and he succeeded in extricating another neck at the risk of his own (relates how Hutchinson died and) the skull of Eugene Aram thence came into possession of a gentleman of great literary and scientific acquirements, and in the year 1817 a friend . . . who had lately been in company with Dr. Spurzheim, introduced the subject of phrenology.

[The issue was to place before Spurzheim the skulls of Aram and Adam de Thirsk, last abbot of Fountains, hanged for denying the supremacy of Henry VIII.]

Spurzheim replied :

23 Foley Place, London,
22nd May, 1817.

My Dear Sir,

The parcel containing the two skulls is arrived. I will mention what I think of the skulls. . . . One of the skulls is certainly that of a man; the other resembles that of a woman, and if it belonged to a man, his mind entered into a female habitation. The female had a good share of common sense without being able to reason deeply; she was pleased with witty, amusing, superstitious stories and fond of theatrical performances. She had strong feelings without great hope, a great deal of vanity, attachment, and personal courage; she might have been able to commit an error to please those she liked. Example was to her particularly important. . . . She was more easily guided by soft means and flattering treatment than by command, which revolted her feelings and would induce her to have recourse to desperate means.

A professional gentleman of eminence, in forwarding this, added—

“ Her vanity and attachment render her liable to be led astray by bad example; and if she was the wife, or connected with the man, was probably led into the commission of crime by him. She has a greater degree of courage than is generally seen in female heads.”

Spurzheim, who remarked on the presence of strong animal appetites, on being informed of the sex, pronounced Aram's skull to resemble that of a Celt.

*(Extract from the Morning Chronicle for 25th August, 1838,
reporting a meeting of the British Association.)*

Dr. Inglis was then called upon to exhibit before the section (*i.e.*, medical) the head of Eugene Aram, and to deliver some remarks upon it. The doctor said it would be necessary for him, in the first place, to prove the identity of the skull, and his explanation amounted to this. After the execution of Eugene at Tyburn, his body was conveyed to Knaresborough, where, according to his sentence, he was

Appendix III.

hung in chains. After he had hung some time, Dr. Hutchinson, a physician of that town, anxious to obtain some relic of the man, took a ladder to the gibbet and cut off his head. After the death of Dr. Hutchinson . . . the skull was given to the Rev. Mr. Dalton . . . for the purpose of having it inspected by Spurzheim along with the head of an abbot who was hanged for resisting Henry VIII. In addition, there were indications upon the skull of the iron hooks by which the culprit was gibbeted. In consequence of its being understood that the remains of Eugene had been interred by an old man, the doctor stated that he had made enquiries of that person (Mr. Strother--E. R. W.) and found that the thigh bones and arms had been interred, but not the skull. It may here be proper to remark that Spurzheim mistook the head for that of a female, but minutely described many peculiarities which corresponded with the general character of the Yorkshire schoolmaster. The doctor then entered into a review of the circumstances under which the crime was committed, having this object in view, that as the evidence was circumstantial and did not clearly establish the proof of his guilt, after an examination of his head on phrenological principles, he should be deemed not guilty of the crime for which he suffered. He said, if he had been found guilty at all by a jury of the present day, it would under no circumstances have been of murder, but of manslaughter. Dr. Granville said Dr. Inglis wished to prove by phrenological observations that the individual whose character he had been developing suffered rather unjustly. (Here followed a long discussion as to whether the skull was properly identified.) Dr. Hindmarsh, who stated that he had had considerable experience as an anatomist, said he would almost trust his honour that this could not be the skull of Eugene Aram. It appeared to be the skull of a male person, not above thirty years of age, and probably not more than twenty-five. Eugene Aram was fifty-four. A gentleman, also an anatomist, would put it to Professor Owen whether it was possible to judge a person's age (by the skull--E. R. W.) within ten years. Mr. Simpson detailed the circumstances under which he had examined the skull. He considered it was the skull of a person very likely to be of a criminal character, and he had declared his opinion that he would be a dangerous man. If they had to judge by the skull it was sufficient to condemn him. . . . He would say that if a blow had been given on the head it was very likely to come from the person to whom the skull belonged. Professor Owen said his opinion was that it was the skull of a middle-aged man. . . .

(Extracts from the Pamphlet of James Inglis, Doctor of Medicine.)

PHRENOLOGICAL OBSERVATIONS ON THE SKULL OF EUGENE ARAM, MDCCCXXXVIII.

(Pp. 20-22.)

Combe's report—"Anterior lobe, long, but neither high nor broad—coronal region above causality full, above cautiousness rather small,

Eugene Aram.

except in firmness. Basilar region very large. Age, temperament, and education not mentioned."

(There follows a chart of Aram's skull tabulated under thirty-five heads, combativeness being very large, destructiveness large, as also self-esteem, amativeness, philoprogenitiveness and size; wit, time, causality, imitation, eventuality, individuality, and ideality are all "full"; "hope" is small, and "conscientiousness" moderate. The summary concludes—"The intellectual organs are well marked, but on a small scale.")

Combe proceeds—"I am not informed concerning the education, rank in life, or temperament of the individual. the cast of whose skull has this day been sent to me. I can therefore speak only of his dispositions and talents in general. The brain has been of an average size, indicating medium power of mind. The region of the lower propensities decidedly predominates. He might show considerable activity in the domestic affections, when not influenced by his temper, which was hot. He was irascible and vindictive. He was proud and essentially selfish; yet to serve a purpose he might exhibit great plausibility of manner. His intellectual faculties were intense in action rather than comprehensive and vigorous. He had talents for observation, and for the sciences which depend chiefly on observation. His reflecting powers were good, but limited in comprehensiveness as well as in depth. He had some taste for the imitative arts, and could have been an actor. He was not a stranger to benevolent feeling, but his benevolence was greatly inferior to his selfishness. He was not scrupulous.

"The head on the whole indicates a man of low natural dispositions; with as much of the higher powers as to render him dangerous by his talents and plausibility; but not enough of them to render him in ordinary circumstances amiable and virtuous."

Another chart was submitted to Inglis by Hewitt C. Watson, editor of the *Phrenological Journal*. This expert had, however, the advantage of knowing whose skull it was. He also, of course, using the same method, found the same organs highly or poorly developed, placing "wit," "time," and "tune" among the moderately developed organs.

He thus estimates Eugene—"The anterior part of the skull is so narrow that I feel rather doubtful whether all the intellectual organs should not be brought one degree lower, comparatively with those of the propensities. I have estimated them as above, on account of the prominence, more than the breadth, of the middle part of the forehead. The intellect is not that of a profound philosopher, but of one calculated to appear to advantage in society."

Thus another expert, Mr. Simpson—"Animal organs preponderate, moderate intellect, some degree of benevolence, very deficient hope, poor conscientiousness, very large amativeness, very large destructiveness, very large combativeness. He would be a violent and dangerous man when the inferior feelings were excited. Exceedingly sensual—very fond of children, which probably would be the only thing that softened him. Ideality, the best part of the anterior lobe; he would enjoy sensual love songs."



**The cranium of Eugene Aram in the Royal College
of Surgeons' Museum.**

(Photo. by A. P. Monger, London.)

Appendix III.

Secretiveness was found by all to be large, which entirely corresponds to Aram's character.

Inglis's own summary is as follows:—An examination of the intellectual faculties would not elevate the man in our opinion as a profound philosopher. Eugene's skull wants depth and breadth of the reflecting faculties; for although they are well marked, they want expanse. His defence, though admirable so far as it went, was not sufficiently comprehensive. Had his secretiveness and self-esteem been overcome by his reflecting organs, he might have confessed a participation in the gain and thus in the guilt, and have cleared himself in a degree in respect to the murder. . . . Perhaps his adhesiveness and benevolence might prevent him giving the evidence he could have done against Houseman and Terry (!)

(*N.B.*—After conviction Aram was incompetent to testify; he did not get the chance to turn "approver," like Houseman.—E. R. W.)

OSTEOLOGICAL OBSERVATIONS ON THE SKULL OF EUGENE ARAM IN THE CATALOGUE OF THE ROYAL COLLEGE OF SURGEONS' MUSEUM.

(Skull No. 337, renumbered 469 i.)

"The cranium is small and almost feminine in appearance, but the mastoid processes are long, and the glabella well developed. There is considerable post-coronal depression. . . . The condition tends to confirm this history (*i.e.*, going to establish the identity of the skull), as it has evidently never been macerated. The end of the right mastoid process has been cut off, probably in removing the head from the body."

In conversation with an attendant of the osteological section of the museum, I ascertained the following further particulars. The subject was not a young man; years older than the neighbouring Jonathan Wild (executed when forty-three), as was shown by the post-coronal depression and the absence of all back teeth; the mastoid process by its development showed the subject to have been muscular (this is the bony projection behind the ears, the phrenological organ of combativeness). His cranial capacity was only 1400 cc., whereas the average male's is 1570 cc., as against 1378 for a female (Dixon Mann, "*Forensic Medicine*," 1903, ed. p. 82). The skull was presented by the Rev. John Walker, grandson of Dr. Hutchinson, of Knaresborough.

We have seen how the skull passed through various hands after the death of Dr. Hutchinson. That gentleman had pointed it out to the Rev. Mr. Dalton as Eugene's, as also to a Mr. Richardson, and it was in Dalton's possession when discussed by the British Association. Scatcherd and Inglis both describe the skull as sawn asunder and clasped together by two hinges. These, Mrs. Pickard told Scatcherd, were put on by her husband for Dr. Hutchinson. The skull No. 337, or 469 i as it is now numbered, exhibits these very peculiarities, sufficient to raise a strong presumption of its authenticity. The indentations, caused by the iron bands of the gibbet, observed by

Eugene Aram.

Inglis, can still be seen. This, with the fact that the skull has never been macerated, the exposure on the gibbet having achieved the same effect, should remove all doubts. The scarce pamphlet of Inglis, quoting from a letter of Scatcherd, proves the identity at length.

LETTERS FROM PROFESSOR KEITH TO THE AUTHOR RESPECTING THE SKULL OF DANIEL CLARK

E. R. Watson, Esq.

Royal College of Surgeons of England,
Lincoln's Inn Fields, London, W.C.
26th day of March, 1912.

My Dear Sir,

1st. As to the fragment of skull: what you have is about 2.5 of the left parietal bone.

i. Condition and staining suggests burial in blackish mould and quite of the consistency and preservation of a bone, which dates back to the eighteenth century.

ii. The bone has been broken after the skull was already stained by the burial, for (the lines) f-g, d-e, and a-h are unstained, and therefore more recent fractures made after exhumation.

iii. The fracture a-b-c was done before the burial. This fissure may have been the prolongation of a severe occipital fracture.

iv. It is clear that the fragment is part of a skull, which had been rivetted after it was artificially broken—perhaps to examine the interior (see rivet marks).

v. The fragment shows (1) from "i." to "c." the temporal suture, probably what Taylor means by "indentation of temporal" (referring to Taylor's "Medical Jurisprudence"). (2) As I have said, a fissure or fracture, stained as deep as is the bone (a-b-c) probably may be Taylor's "traces of fracture."

The sagittal suture is quite open; therefore the person was probably under forty. If I were asked to guess the age, the thickness, &c., would make me suggest about thirty years.

It is a man's skull. Thickness and muscular impressions. His head was rather small, but same shape, evidently, as Eugene's. . . . (Here follow observations on another bone, but it turns out not to have been human; it did not come from official custody.)

Yours very truly,
A. KEITH.

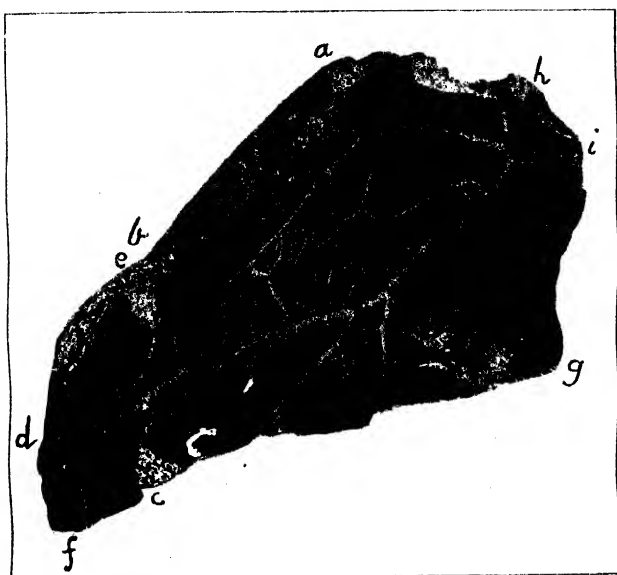
29th day of March, 1912.

My Dear Sir.

If my note is of any service to you, it is freely at your disposal. . . . (Here follow more observations on the non-human bone, submitted with Clark's.)

Yours faithfully,
A. KEITH.

E. R. Watson, Esq.



Part of left parietal bone of Daniel Clark, now in the possession of E. M. Beloe, Esq., Coroner for King's Lynn. The letters correspond with those of a sketch. by Professor Keith, in the author's possession.

(Photo. by Boughton, King's Lynn.)

1

2

Appendix III.

30th day of March, 1912.

Dear Sir,

A bone will lie in a damp cave for over a century and still be as well preserved as the specimen, said to be Clark's. But the history you give, buried for thirteen years, fits better with the condition in your specimen. All the appearances are consistent with the bone being Clark's.

Yours faithfully,

A. KEITH.

E. R. Watson, Esq.

(A letter from Captain Twyford, Governor of York Castle, to F. W. Joy, authenticates this fragment, which is now, with the letter, in Mr. E. M. Beloe's possession.)

APPENDIX IV.

ARAM'S LETTER TO THE REV. MR. COLLINS, VICAR OF KNARESBROUGH

Anima fugit indignata sub umbras.

Reverend Sir,—I always believed any relation of my life of no manner of importance or service to the public, and I never either had any temptation or desire to appear in print. The publications ushered to the world, which I had ever little concern for, and have as little now, by persons in my situation, always appeared to me only calculated for the advantage of the Press, and for the amusement of a very idle curiosity. But to oblige you, and not to forget my promise, I will recollect as many particulars as I can upon so sudden a notice, and the small pittance of time which I have left me will allow.

I was born at Ramsgill, a little village in Netherdale, in 1704. My maternal relations had been substantial and reputable in that dale for a great many generations. My father was of Nottinghamshire, a gardener, of great abilities in botany, and an excellent draughtsman. He served the Right Rev. the Bishop of London (Dr. Crompton) with great approbation, which occasioned his being recommended to Newby, in this county, to Sir Edward Blackett, whom he served in the capacity of a gardener, with much credit to himself and satisfaction to that family, for above thirty years. Upon the decease of that Baronet, he went and was retained in the service of Sir John Ingilby, of Ripley, Bart., where he died—respected when living and lamented when dead.

My father's ancestors were of great antiquity and consideration in this county, and originally British. Their surname is local, for there were formerly lords of the town of Haram, or Aram, on the southern

Eugene Aram.

bank of the Tees, and opposite to Stockburn in Bishopric, and appear in the records of St. Mary's, at York, among the charitable names, early and considerable benefactors to that abbey. They, many centuries ago, removed from these parts, and were settled, under the fee of the Lords Mowbray, in Nottinghamshire, at Aram, or Aram Park, in the neighbourhood of Newark-upon-Trent, where they were possessed of no less than three knight's fees, in the reign of Edward III. Their lands, I find not whether by purchase or marriage, came into the hands of the present Lord Lexington. While the name existed in this county, some of them were several times High Sheriffs for this county, and one was Professor of Divinity, if I remember right, at Oxford, and died at York. The last of the chief of this family was Thomas Aram, Esquire, sometime of Gray's Inn, and one of the Commissioners of the Salt-office, under the late Queen Anne. He married one of the co-heiresses of Sir John Coningsby, of North-Mims, in Hertfordshire. His seat, which was his own estate, was at the Wild, near Shenley, in Hertfordshire, where I saw him, and where he died without issue.

Many more anecdotes are contained in my papers, which are not present, yet these perhaps may be thought more than enough, as they may be considered rather as ostentatious than pertinent; but the first was always far from me.

I was removed very young, along with my mother, to Skelton, near Newby; and thence, at five or six years old, my father making a little purchase in Bondgate, Ripon, his family went thither. There I went to school, where I was made capable of reading the Testament, which was all I was ever taught, except—a long time after (about a month), in a very advanced age for that—with the Reverend Mr. Alcock, of Burnsall.

After this, at about thirteen or fourteen years of age, I went to my father at Newby, and attended him in the family there till the death of Sir Ed. Blackett. It was here my propension to literature first appeared, for, being always of a solitary disposition, and uncommonly fond of retirement and books, I enjoyed here all the repose and opportunity I could wish. My study at that time was engaged in the mathematics. I know not what my acquisitions were, but I am certain my application was at once intense and unwearied. I found in my father's library there, which contained a very great number of books in most branches—Kersey's Algebra, Leyburn's "*Cursus Mathematicus*," Ward's "*Young Mathematician's Guide*," Harris's Algebra, &c., and a great many more; but these being the books in which I was ever most conversant, I remember them the better. I was, even then, equal to the management of quadratic equations and their geometrical constructions. After we left Newby I repeated the same studies in Bondgate, and went over all parts I had studied before, I believe not unsuccessfully.

Being about the age of sixteen, I was sent for to London, being thought, upon examination by Mr. Christopher Blackett, qualified to serve him as a book-keeper in his accounting house. Here, after a year or two's continuance, I took the smallpox, and suffered severely under that distemper. My mother was so impatient to see me, that

Appendix IV.

she was very near upon a journey to London, which I, upon an invitation from my father, prevented by going to her.

At home, with leisure upon my hands, and a new edition of authors to those brought me from Newby, I renewed not only my mathematical studies, but began and prosecuted others of a different turn, with much avidity and diligence. These were poetry, history, and antiquities—the charms of which quite destroyed all the heavier beauties of numbers and lines, whose applications and properties I pursued no longer, except occasionally in teaching.

I was, after some time employed in this manner, invited into Netherdale, my native air—where I first engaged in a school—where I married, unfortunately enough for me, for the misconduct of the wife which that place afforded me has procured me this place—this prosecution—this infamy—and this sentence.

During my marriage here, perceiving the deficiencies of my education, and sensible of my want of the learned languages, and prompted by an irresistible covetousness of knowledge, I commenced a series of studies¹ in that way, and undertook the tediousness, the intricacies, and the labour of grammar. I selected Lilly from the rest, all which I got and repeated by heart. The task of repeating it all every day was impossible while I attended the school, so I divided it into portions—by which method it was pronounced thrice every week—and this I performed for years.

Next I became acquainted with Camden's Greek Grammar, which I also repeated in the same manner—memoriter. Thus instructed, I entered upon the Latin classics, whose allurements repaid my assiduities and my labours. I remember to have at first hung over five lines for a whole day; and never in all the painful course of my reading, left any one passage, but I did, or thought I did, perfectly comprehend.

After I had accurately perused every one of the Latin classics, historians, and poets, I went through the Greek Testament—first parsing every word as I proceeded: next I ventured upon Hesiod, Homer, Theocritus, Herodotus, and Thucydides, and all the Greek tragedians—a tedious labour was this—but my former acquaintance with history lessened it extremely, because it threw a light upon many passages, which without that assistance must have appeared obscure.

In the midst of these literary pursuits, a man and horse from my good friend, William Norton, Esquire, came for me from Knaresbrough, along with that gentleman's letter, inviting me thither; and accordingly I repaired thither, in some part of the year 1734, and was, I believe, well accepted and esteemed there. Here, not satisfied with

¹ I have before me Aram's copy of Marsilius Ficinus's Latin Edition of Plato (Lugduni MDLVII.). He has marginally annotated the "Phædo," "Charmides," "Timæus," and "De legibus." The notes progress from such simple comments as "definitio," "confutatio," to paraphrases of the text of a more or less elaborate sort, illustrating, perhaps, his increasing grasp of his author, and mastery of the Latin. They are supplementary to the printed marginal notes. I select a few at random. "Quibus causis corporis et animæ salus adipiscitur." (Timæus), "Judicium generale post mortem," (Phædo); "Dei natura (xli. Isaiah, 9), et providentia (xl. Isaiah, 22)" . . . "Judicium Dei in malos" (De legibus). These awful truths, confirmed by "Proofs of Holy Writ," are rather at variance with the commentator's practices.

Eugene Aram.

my former acquisitions, I prosecuted the attainment of the Hebrew, and with undefatigable diligence. I had Buxtorff's Grammar—but that being perplexed, or not explicit enough—at least, in my opinion at that time—I collected no less than eight or ten different Hebrew grammars; and here one very often supplied the omissions of the others; and this was, I found, of extraordinary advantage. Then I bought the Bible in the original, and read the whole Pentateuch—with an intention to go through the whole of it, which I attempted, but wanted time.

In April, I think the 18th, 1744,² I went to London. (The reasons shall follow.) Here I agreed to teach the Latin and writing for the Rev. Mr. Painblanc, in Piccadilly; which he, along with a salary, returned, by teaching me French, wherein I observed the pronunciation the most formidable part—at least to me, who had never before known a word of it; but this my continual application every night, or other opportunity, overcame, and I soon became a tolerable master of French. I remained in this situation two years and above.

Some time after this I went to Hays,³ in the capacity of writing master, and served a gentleman there, since dead, and staid after that with a worthy and reverend gentleman.

I succeeded in several other places in the south of England, and all that while used every occasion of improvement. I then transcribed the Acts of Parliament to be registered in Chancery; and after went down to the Free School at Lynn.

From my leaving Knaresbrough to this period is a long interval, which I had filled up with the farther study of history and antiquities, heraldry, and botany—in the last of which I was very agreeably entertained, there being so extensive a display of Nature. I well knew Turneforte,⁴ Ray, Miller, Linnæus, &c. I made frequent visits to the Botanic Gardens at Chelsea, and traced pleasure through a thousand fields; at last, few plants, domestic or exotic, were unknown to me. Amidst all this I ventured upon the Chaldee and Arabic—and with a desire to understand them, supplied myself with Erpenius, Chapelhow, and others. But I had not time to obtain any great knowledge of the Arabic; the Chaldee I found easy enough, because of its connection with the Hebrew.

I then investigated the Celtic, as far as possible in all its dialects—began collections, and made comparisons between that, the English, the Latin, the Greek, and even the Hebrew. I had made notes, and compared above three thousand of these together, and found such a surprising affinity, even beyond my expectation or conception, that I was determined to proceed through the whole of these languages, and form a comparative Lexicon, which I hoped would account for numberless vocables in use with us, the Latins, and the Greeks, before concealed and unobserved. This, or something like it, was the design of a clergyman of great erudition in Scotland; but it must prove abortive.

² Aram means 1745, the year (old style) 1744 ended on 25th March.

³ Said to be Hayes in Middlesex.

⁴ Joseph Pitton de Tournefort, 1666-1708.

Appendix IV.

for he died before he executed it, and most of my books and papers are now scattered and lost.

Something is expected as to the affair upon which I was committed, to which I say, as mentioned in my examination, that all the plate of Knaresbrough, except the watches and rings, were in Houseman's possession—as for me I had nothing at all. My wife knows that Terry had the large plate, and that Houseman himself took both that and the watches, at my house, from Clark's own hand, and if she will not give this in evidence for the town, she wrongs both that and her own conscience; and if it is not done soon, Houseman will prevent her. She likewise knows Terry's wife had some velvet—and, if she will, can testify it. She deserves not the regard of the town if she will not. That part of Houseman's evidence, wherein he said I threatened him, was absolutely false—for what hindered him, when I was so long absent and far distant? I must need observe another thing to be perjury in Houseman's evidence, in which he said he went home from Clark—whereas, he went straight to my house, as my wife can also testify, if I be not believed.

EUGENE ARAM.

APPENDIX V.

LITERARY REMAINS.

(1) PROSE PIECES.

THE MELSUPPER AND SHOUTING THE CHURN.

These rural entertainments and usages were formerly more general all over England than they are at present; being become by time, necessity, or avarice, complex, confined, and altered. They are commonly insisted upon by the reapers as customary things, and a part of their due for the toils of the harvest, and complied with by their masters perhaps more through regards of interests than inclination. For should they refuse them the pleasures of this much expected time, this festal night, the youth especially, of both sexes, would decline serving them for the future, and employ their labours for others, who would promise them the rustic joys of the harvest supper, mirth and music, dance and song. These feasts appear to be the relics of Pagan ceremonies, or of Judaism, it is hard to say which, and carry in them more meaning and are of far higher antiquity than is generally apprehended. It is true the subject is more curious than important, and I believe altogether untouched; and as it seems to be little understood, has been as little adverted to. I do not remember it to have been so much as the subject of conversation. Let us make then a little excursion into this field, for the same reason men sometimes take a walk. Its traces are discoverable at a very great distance of time from our, nay, seem as old as a sense of joy for the benefit of plentiful harvests and human gratitude to the eternal

Eugene Aram.

Creator for His munificence to men. We hear it under various names in different counties, and often in the same county; as, melsupper, churn supper, harvest supper, harvest home, feast of in-gathering, &c. And perhaps this feast had been long observed and by different tribes of people, before it became perceptive with the Jews. However, let that be as it will, the custom very lucidly appears from the following passages of S. S., Exod. xxiii. 16, "And the feast of harvest, the first fruits of thy labours, which thou hast sown in the field." And its institution as a sacred rite is commanded in Levit. xxiii. 39: "When ye have gathered in the fruit of the land, ye shall keep a feast to the Lord."

The Jews then, as is evident from hence, celebrated the feast of harvest, and that by precept; and though no vestiges of any such feast either are or can be produced before these, yet the oblation of the Primitiæ, of which this feast was a consequence, is met with prior to this, for we find that, "Cain brought of the fruit of the ground an offering to the Lord."—Gen. iv. 3.

Yet this offering of the first-fruits, it may well be supposed, was not peculiar to the Jews, either at the time of, or after, its establishment by their legislator; neither the imitation of the Jews, or rather by tradition from their several patriarchs, observed the right of offering their Primitiæ, and of solemnising a festival after it, in religious acknowledgment for the blessing of the harvest, though that acknowledgment was ignorantly misapplied in being directed to a secondary, not the primary, fountain of this benefit—namely, to Apollo or the Sun.

For Callimachus affirms that these Primitiæ were sent by the people of every nation to the temple of Apollo in Delos, the most distant that enjoyed the happiness of corn and harvest, even by the Hyperboreans in particular, Hymn to Apol., *Οἱ μὲν τοι καλὰ μὴν τε καὶ ἱερὰ δράγματα πρῶτοι ἀσάχυν (φορέουσιν)*.¹ "Bring the sacred sheafs, and the mystic offerings."

Herodotus also mentions this annual custom of the Hyperboreans, remarking that those of Delos talk of *ἱερὰ ἐνδεδεμένα ἐν καλάμῃ πυρῶν ἐξ Ὑπερβορέων*, "Holy things tied up in sheafs of wheat conveyed from the Hyperboreans."² "And the Jews, by the command of their law, offered also a sheaf: "And shall reap the harvest thereof, then ye shall bring a sheaf of the first fruits of the harvest unto the priest."

This is not introduced in proof of any feast observed by the people who had harvests, but to show the universality of the custom of offering the Primitiæ, which preceded this feast. But yet it may be looked upon as equivalent to a proof; for as the offering and the feast appear to have been always and intimately connected in countries

¹ Aram unquestionably derived this and the following quotation from Dodd's Callimachus [1756] p. 118 note. The very free translation and the error of writing *ἀσάχυν* for *ἀσάχων* establish this. *Φορέουσιν*, necessary to complete the sense, is omitted by both Dodd and Aram. Callim., "Hymn to Delos," 283-84.

² Herod. iv., 33.

Appendix V.

affording records, so it is more than probable they were connected too in countries which had none, or none that ever survived to our times. An entertainment and gaiety were still the concomitants of these rites, which with the vulgar, one may pretty truly suppose, were esteemed the most acceptable and material part of them, and a great reason of their having subsisted through such a length of ages, when both the populace and many of the learned too, have lost sight of the object to which they had been originally directed. This, among many other ceremonies of the heathen worship, became disused in some places and retained in others, but still continued declining after the promulgation of the Gospel. In short, there seems great reason to conclude that this feast, which was once sacred to Apollo, was constantly maintained, when a far less valuable circumstance, *i.e.*, *shouting the churn*, is observed to this day by the reapers, and from so old an era; for we read of this acclamation, Isa. xvi. 9: *Ci al kitsich ve al kitserach ha yadid naphal*, "For the shouting for thy summer fruits and for thy harvest is fallen"; and again, ver. 10: *Ubaceramin lo yerunnan lo yirsa ha yadad hishecati lo*, "And in the vineyards there shall be no singing, their shouting shall be no shouting." Hence then, or from some of the Phœnician colonies, is our traditionary "shouting the churn." But it seems these Orientals shouted both for joy of their harvest of grapes and of corn. We have no quantity of the first to occasion so much joy as does our plenty of the last; and I do not remember to have heard whether their vintages abroad are attended with this custom. Bread or cakes compose part of the Hebrew offering (Levit. xxiii. 13), and a cake thrown upon the head of the victim was also part of the Greek offering to Apollo (see Hom. II. a), whose worship was formerly celebrated in Britain, where the May-pole yet continues one remain of it. This they adorned with garlands on May-day, to welcome the approach of Apollo, or the sun, towards the north, and to signify that those flowers were the product of his presence and influence. But, upon the progress of Christianity, as was observed above, Apollo lost his divinity again, and the adoration of his deity subsided by degrees. Yet so permanent is custom that this rite of the harvest supper, together with that of the Maypole (of which last see *Voss.3 de Orig. ac. Prog. Idolatr.* 1, 2), have been preserved in Britain; and what had been anciently offered to the god, the reapers as prudently eat up themselves.

At last the use of the meal of the new corn was neglected, and the supper, so far as meal was concerned, was made indifferently of old or new corn, as was most agreeable to the founder. And here the usage itself accounts for the name of *Mellsupper* (where *mel* signifies meal, or else the instrument called with us a *Mell*, wherewith antiquity reduced their corn to meal in a mortar, which still amounts to the same thing) for provisions of meal, or of corn in firmity, &c., composed by far the greatest part in these elder and country entertainments, perfectly conformable to the simplicity of those times, places, and persons, however meanly they may now be

³ Gerard John Voss, b. 1577, d. 1649; the work is "*Vossius, de origine ac progressu idolatriæ*," 1641, Amsterdam.

Eugene Aram.

looked upon. And as the harvest was last concluded with several preparations of meal, or brought to be ready for the mell, this term became, in a translated signification, to mean the last of other things, as when a horse comes last in the race they often say in the north, "*He has got the mell.*"

All the other names in this country festivity sufficiently explain themselves except *Churn-supper*, and this is entirely different from *Mel-supper*; but they generally happen so near together that they are frequently confounded. The Churn-supper was always provided when all was shorn, but the mel-supper after all was got in. And it was called the "*Churn-supper*" because, from immemorial times, it was customary to produce in a churn a great quantity of cream, and to circulate it by dishfuls to each of the rustic company, to be eaten with bread. And here sometimes very extraordinary execution has been done upon cream. And though this custom has been disused in many places, and agreeably commuted for by ale, yet it survives still, and that about Whitby and Scarborough in the east, and round about Gisburn, &c., in Craven, in the west. But, perhaps, a century or two more will put an end to it, and both the thing and name shall die. Vicarious ale is now more approved, and the tankard almost everywhere politely preferred to the churn.

This Churn (in our provincial pronounciation Kern) is the Hebrew Kern, or Keren, from its being circular like most horns; and it is the Latin *corona*, named so either from *radii*, resembling horns, as on some very antient coins, or from its encircling the head; so a ring of people is called *corona*. Also the Celtic Koren, Keren, or corn, which continues according to its old pronounciation in Cornwall, &c., and our modern word horn' is no more than this; the antient hard sound of *k* in corn being softened into the aspirate *h*, as has been done in numberless instances.

The Irish Celtæ also call a round stone, *clogh orene*, where the variation is merely dialectic. Hence, too, our crane berries, *i.e.*, round berries, from this Celtic adjective, *crene*, round.

N.B.—The quotations from Scripture in Aram's original MS. were both in the Hebrew character, and their value in English sounds.

AN ESSAY TOWARDS A LEXICON UPON AN ENTIRELY NEW PLAN.

(From the original formerly in the possession of the Rev. Jas. Tate.)

To attempt the work of a Lexicon, and at a time, too, when so many, and those so considerable, have already appeared, valuable for the excellence of their composition, and respectable for the authority of their authors, may possibly be looked upon as unnecessary, if not altogether a supernumerary labour.

How far such an opinion may be just, or premature, will be better elucidated by a very cursory perusal of, and a little deliberation upon,

Appendix V.

the subsequent plan. And this, whatever appearances of novelty it may be attended with, however strongly the current of general opinion opposes it, is neither so recent nor so foreign to the service of letters, as by some may be imagined.

Before I open the plan I have to offer to the literati, and upon which the superstructure is intended to be built, it may perhaps not be improper here to throw out *a few preliminary reflections* which have occurred to me in the course of my reading, a part of which are these that follow.

All our lexicographers, a very few excepted, for aught I have adverted to, have been long employed, and have generally contented themselves, too, within the limits of a very narrow field. They seem to have looked little farther than the facilitating for youth the attainment of the Latin and Greek languages, and almost universally consider the *former* as only derived from the *latter*. These two single points seem to have confined their whole view, possessed their whole attention, and engrossed all their industry.

Here and there, indeed, and in a few pieces of this kind, one sees interspersed derivations of the English from the Latin, Greek, &c., inferred from a conformity of orthography, sound, and signification, and all these are very true. But, *whence* this relation, this consonancy arose—*why* it has continued from age to age to us—has floated on the stream of time through so long a series of changes, and passed to such a distance of place—*how* ancient words have survived conquests, the migrations of people, and the several coalitions of nations and colonies, notwithstanding the fluctuating condition of language in its own nature—they have neither observed with diligence nor explained with accuracy.

The various etymologists that have fallen into my hands, and detained my eye, have not indeed been mistaken in the comparisons they have made, or in the uniformity they have observed, between the Latin and Greek, and between both those languages and our own; but then, their instances have been but short and few, and they have failed in accounting for their uniformity; they have indeed sufficiently evinced a similarity, but produced no reason for it. It is not to be thought of, much less concluded, that the multitude of words among us, which are certainly Latin, Greek, and Phœnician, are all the relics of the Roman settlements in Britain, or the effects of Greek or Phœnician commerce here; no, this resemblance was coeval with the primary inhabitants of this island; and the accession of other colonies did not obliterate, but confirm this resemblance, and also brought in an increase, an accession of other words, from the same original, and consequently bearing the same conformity. How nearly related is the Cambrian, how nearly the Irish, in numberless instances, to the Latin, the Greek, and even Hebrew, and both possessed this consimilarity long ago, before Julius Cæsar and the Roman invasion. I know not but the Latin was more different from itself, in the succession of six continued centuries, than the Welsh and Irish, at this time, from the Latin. Concerning this agreement of theirs with the Latin, Greek, Hebrew—not to mention others, gentlemen of great

Eugene Aram.

penetration, and extraordinary erudition—Dr. Davies⁴ may be consulted, and the learned Sheringham,⁵ who have both exhibited a long and curious specimen of Greek and Cambrian words so exactly correspondent in sound and sense, or at least so visibly near, that, as far as I know, no gentleman has ever yet questioned, much less disputed their alliance.

This similitude subsisting in common among the Irish, Cambrian, Greek, Latin, and even Hebrew, as it has not escaped the notice and animadversions of the learned, so their surprise has generally increased with their researches, and considerations about it; new circumstances of agreement perpetually arising. A great many gentlemen conversant in antiquities, and pleased with literary amusements of this kind, have ascribed these palpable connexions to conquest, or to commerce; they have supposed that the intercourse which, on the latter account, anciently subsisted between the Phœnicians, the Greeks, and the Britons (see Bochart, Huet, &c.⁶) occasioned this very remarkable community between their languages. Indeed, this accident of commerce must needs have had its influence, but then this influence must have been weak and partial, not prevalent and extensive.

Commerce has made, and always will make, continual additions to any language, by the introduction of exotic words: yet words of this kind, and at that time, would hardly extend a great way; they would only affect the maritime parts, and those places frequented by traders, and that but feebly, and would be very far from acting or making any considerable impression upon the whole body of any language.

But, even supposing that a number of Greek vocables may have found admittance and adoption in Britain, and after this manner, yet they could never penetrate into the interior parts of it, into recesses remote from the sea; the inhabitants being strangers to all correspondence, without the temptation, without the inclination to leave their natal soil, their own hereditary village, yet is Greek even here; we find pure Greek in the Peak itself, whither foreigners, especially at the distance of more than twice ten centuries, can scarcely be supposed to have come. There could have been but few invitations to it then, and perhaps there are not many now.

Since, then, I have taken notice of this almost community of language, observable between the Greek and the Celtic, in some dialect of it or other; and have attempted to show it could scarcely be imported, in the manner so generally believed, it seems incumbent upon me to offer a more probable conjecture—if it is a conjecture—*how it has taken place*, which is the subject of the following dissertation.

I must here intreat such candid literary gentlemen as may honour these sketches with a perusal, to reflect a moment, that *I have neither books, papers, nor any other material to assist me—every quotation, and all I produce, must be entirely derived from memory alone, and*

⁴ John Davies, D.D. (1570?-1644), lexicographer, see D.N.B.

⁵ Robert Sheringham (1602-1678), royalist divine, see D.N.B.

⁶ Samuel Bochart, French Protestant etymologist (1599-1667). Peter Daniel Huet, Bishop of Avranches (1630-1721). For both see Firmin-Didot's "Nouvelle Biographie.

Appendix V.

I beg them to make some generous allowances for the inaccuracies I fall into—unavoidable in this situation.

After what has been produced as prefatory, it is now time, if it may not be thought it was so before, to exhibit the plan I mentioned, not attempted in confidence of my own, but to excite superior abilities to think farther, and for the farther illustration and service of letters, and submitted with the greatest deference to the learned, and with the extremest diffidence of myself.

It is this—that the ancient Celtæ, by the numberless vestiges left behind them, in Gaul, Britain, Greece, and all the western parts of Europe, appear to have been, if not the aborigines, at least their successors, and masters, in Gaul, Britain, and the west; that their language, however obsolete, however mutilated, is at this day discernible in all those places which that victorious people conquered and retained; that it has extended itself far and wide, visibly appearing in the ancient Greek, Latin, and English, of all of which it included a very considerable part; and, indeed, it still unquestionably forms a most important ingredient in all the languages of Europe; it emerges in the names of springs, torrents, rivers, woods, hills, plains, lakes, seas, mountains, towns, cities, and innumerable other local appellations of very remote antiquity, many of which have never, that I know of, been accounted for—that it is even now partially considered as a language, in some of its dialects—in the declining remains of it, at least—still dispersed among the Irish, in Armorica, or Basse-Bretagne, in St. Kilda, in Cantabria, or Biscay, and in the mountains of Wales; that much of it is still extant in the works of our earlier poets and historians; and much is yet living upon the tongues of multitudes (*inter Rura Brigantum*) in Cumberland, &c., unknown and unobserved, as, I hope, the succeeding exercises will make apparent; that the original of both the Latin and the Greek is, in a great measure, Celtic; that the same Celtic, which, polished by Greece and refined by Rome, only with dialectic variation, flowed from the lips of Virgil, and thundered from the mouth of Homer.

The design, then, of all this is to exhibit and illustrate these connexions.

After having proceeded thus far, and so often reiterated *Celtæ* and *Celtic*, it is high time to come to an explanation of these words, and enumerate the people to whom they have been usually applied. The *Celtæ*, then, were confessedly *Scythians* or *Tatars*, the posterity of Gomer (the grandson of Noah), and, agreeably to the name of their patriarch, called themselves, in their own language, *Cimmeri*, *Cummeri*, or contractedly, *Cimbri*; and the Welch, to this day, call themselves *Cummeri*, whence Cumberland, pointing out very lucidly their extraction by their name. But what becomes of *Celtæ* in all this? And why were these *Cimmeri* denominated *Celtæ*? As they were *Tatars* or *Scythians*, and both their name, country, and original at first unknown; and, it being observed by the people they invaded, that they were all or mostly horsemen, and of great celerity, the Greeks, almost the only historians of early ages, very naturally distinguished these *Cimmerians*, or *Gomerians*, by the name of *Keletes*, *Celta*,

Eugene Aram.

i.e., light horsemen. They made several very terrible irruptions into the fairest parts of Asia, and thence into Europe and back again, like a retiring tide, under the conduct of Brennus, to the number of 150,000. Callimachus relates that the origin of the temple of Diana, at Ephesus, was owing to a little statue of that goddess, which these Cimmerians erected in the hollow of a tree, while their armies and depredations, under Ligdamis their captain, wasted Asia. Their migrations were frequent and noted. For, obliged by real or imaginary necessity, incited by avarice, or stimulated only by a spirit of war, they became often vexatious to one another, and always formidable to their neighbours. They also in another prodigious swarm poured out of Tartary, about 950 years after the Flood; and made another dreadful irruption, under Alacon, their leader, into the Greater Armenia, and in a little space made themselves masters of Pontus, Cappadocia, Phrygia, and the greater part of the Lesser Asia, where, as in several other countries, continued a great many memorials of their name and conquests. But Phrygia seems to have been their principal residence, and there they have been most distinguished.

They had various appellations imposed upon them, as *Gigantes*, and *Titanes*, both signifying sprung from the earth; in this, referring to the obscurity of their origin. Of this eminent people was Saturn, he himself was a *Cimmerian*, and passed, one may believe, not unattended into Italy, upon some disagreement with Jupiter, his son. The body of these *Cimmerians* or *Celtæ*, which is but an adventitious name, the time not ascertained, proceeded far into Europe, even into Britain, and its islands, &c. And, that the name of *Cimmeri* or *Cimori* was also remembered in Gaul, as well as Britain, is clear; for the soldier who was sent for the execution of Caius Marius the consul, is by some historians called a *Gaul*, by others a *Cimber*, which two names, as is evident from hence, were esteemed synonymous, and indifferently applied to the same person.⁷ There is also the *Cimbric-Chersonese* (*i.e., Jutland*), &c., but these *Cimmerians* scarcely advanced together, and at once, but gradually, and time after time, established their settlements, where and as they could. Their government was the oldest known, *i.e., it was patriarchal*; and so it remained in Scotland till within our own memories. Afterwards, there was absolute coalition, in many nations of this people and their language, with those they conquered, and with the colonies from *Greece, Tyre, Carthage*, &c., and theirs, and all of them, a while after this incorporation, are found in history under the common name of *Celtæ*. The very same accident happened between the Saxons and Britons; and also between the Scots and Picts in the north. It can scarcely be imagined that the Saxons destroyed all the Britons that escaped not

⁷ Here, again, Aram's authorities do not quite support him. In Appian, the soldier is described as Γαλάτης, a late form of Κέλτης (see Liddell & Scott. In Velleius Paterculus, he is "*Germanus, qui forte ab imperatore in eo bello Cimbrico captus erat*"; in Plutarch he is Ἰππεύς δὲ Γαλάτης τὸ γένος ἢ Κίμβρος (ἀμφοτέρως γὰρ ἱστορεῖται.) Thus Plutarch regarded Celt and Cimbrian, as distinct, not synonymous. "A Celt or Cimbrian horseman (the histories have it both ways)."

Appendix V.

into Wales; or, that the Scots extinguished all the race of Picts that did not cross the seas. No; 'tis unlikely; 'tis impossible; these two nations united with the two subdued; and became one people, under the name of the most predominant. So it was with the *Celtæ* when one of themselves, or upon their incorporation with the conquered, they became populous and powerful, especially in Greece, their principal seat. Colony peopled colony still farther and farther, till they with the language they brought along with them from the east and Greece, &c., arrived in and about Britain, and whither else we can fix no bounds; as waves departing from one centre swell with a wider and wider circumference, wave impelling wave, till at last these circles disappear.

The Greeks, the posterity of Javan, as is generally allowed, and as is plain from their name, *Iawv*, and historical evidence, and by the connexions their language has with the Hebrew and Phœnician, &c., arrived at first from Asia, and colony after colony peopled Peloponnesus, the islands of the Archipelago, and those of the Mediterranean, and there continued, with no considerable variation of language but what was made by time, and what is incident to all, till this inundation of these *Cimmerians*, which they called *Celtæ*. Particular appellations, indeed were annexed to their tribes, but from this difference of names in those tribes we must not suspect them to be of different extraction; by no means, they were all but portions of the same vast body. Their dominions, after their union with the original Greeks, became very extensive; and all the north-west parts of Europe were from them called *Celto-Scythia*.

Bodin,⁸ 'tis true, has affirmed that the name of Celtica was peculiar to Gaul; but he is a writer of very inconsiderable authority, and is learnedly confuted by Cluverius,⁹ who, in his *Germania Antiqua*, I think in his fourth chapter, shows Celtica included Illyricum, Germany, Gaul, Spain, and Britain; and Mr. Irvine,¹⁰ a Scots gentleman of great abilities, asserts that the colonies of the *Celtæ* also covered Italy, the Alps, Thessaly, &c., and all this I am induced to believe may be satisfactorily proved, if by nothing else, yet by the very great similarity in their languages, when carefully considered in comparison with one another, especially in many old local appellatives, which have certainly existed before commerce or intercourse could possibly be concerned in imposing them. But, because I am unwilling to

⁸ Jean Bodin (1530-1596), a prolific writer, especially on witchcraft, daemonology, lycanthropy, etc. (see Lecky's "Rationalism.") See "Bodini, advocati, Methodus ad faciem historiarum Cognitionem," Parisiis, MDLXVI., pp. 416-423. Aram borrows much from him, including the connection of *Celt* with *riding*.

⁹ Philippi Cluverii "Germaniæ Antiquæ," Liber Primus, p. 24, l. 4 et seq. (Lugduni Batavorum apud Ludovocum Elzevirium, anno MDCKVI). Cluver was born 1580, died 1628.

¹⁰ Christopher Irvine, M.D., 1633-1685. See D.N.B. and Chambers's "Eminent Scotsmen." He was eminent, among other things, in philology. The reference is to his "Historiæ Scoticiæ Nomenclatura Latino-vernacula," Edinbruchi, 1583, p. 39.

Eugene Aram.

convert what was only meant as prefatory into a Lexicon, I must supersede the proofs of this, or what I take to be such, till I come to treat of the words themselves. Should this be doubted or contested, and any objections, and those not apparently immaterial, arise, or be imagined to arise, in opposition to any particular that has been advanced, I humbly apprehend that an accurate examination into this plan will never contradict, but support every observation contained in these papers. But what will appear most decisive upon this head is that unquestionable remains of their language exist at this day in countries where their name is entirely forgotten; and what is yet more convincing, though probably unsuspected, is, that a very great number of topical names, &c., are continually occurring where the *Celtæ* have penetrated, and been established from time immemorial, as in the English, the Latin, and the Greek, &c., which can never be investigated from any other original.

Add to this, that wherever history fails in accounting for the extraction of any people, or where it is manifestly mistaken, how can this extraction be more rationally inferred and determined, or that mistake rectified, than from the analogy of languages? Or is not this alone sufficiently conclusive, if nothing else was left? Thus Cæsar, so conspicuous for either Minerva,¹¹ and whose opinions will ever have their proper weight with the learned, asserts that the Britons were from Gaul, not so much from their vicinity to one another as from the remarkable analogy of their tongue to the Gallic. And admit there was not a record left in the world to prove the original of our American settlements, I would ask if their language itself, notwithstanding many words both now and formerly unknown in England, and adopted into it, was not sufficient to prove it? And must not a similitude as near, considering the very great distance of time, an extensive commerce, the admission of new colonies, the revolutions of kingdoms, and the natural inconstancy of languages, equally prove an alliance among those in question? The traces of the Celtic, notwithstanding the ruins consequent upon all these, have hitherto remained indelible. They almost perpetually arise in the geography of all the west of Europe; and often in the more confined and topographical descriptions. Not a county in Britain, scarce any extent of sea or land from Kent to St. Kilda, wherein the most satisfactory evidences of this may not be found. The same congruity holds, too, in Gaul, Spain, Italy, &c., and a work of this kind, begun with circumspection, and conducted with regularity, could not fail of throwing great light upon all the languages concerned, and upon the obscurity of thousands of local names, and, in short, seems to promise fair to contribute as a lamp to the elucidation of many dark antiquities.

The Greek and Hebrew, then, &c., observable in our language, and not unnoticed by the learned, and found in recesses where they might little be but expected, as will be shown in the course of these remarks,

¹¹ Aram's pedantical way of saying that Cæsar was as eminent in war as in the arts and letters, Minerva, like Athene, being goddess of war and learning.

Appendix V.

were not imported by the Phœnician merchants and Greek traders only, but entered along with the earliest colonies from the east into Britain; after each colony had protruded others through all the intermediate continent, of which Britain probably was once a part. Not that the whole of a people entered into any long migration; I believe never. The aged, the infirm, and the youth of either sex, incapable of engaging in war, or of enduring the fatigues of travel, of surmounting the opposition of mountains, forests, and rivers, remained a feeble company behind; and certainly retained the same language their itinerant countrymen had carried with them, which sometimes was very far remote. Hence an almost identity of languages is sometimes found in places at a great distance from each other; and hence that agreement in many vocables between the Greek and the Cambrian and the Irish Celtic. Nor is there so much inconsistency as has been insinuated, in that immemorial tradition existent among the Welch, that they were the descendants of the Greeks. That they came with Brutus is not only fabulous, but ridiculous; but that they are of Greek extraction perhaps is neither. The tradition is undoubtedly false, with regard to the person Brutus; but certainly real as to the thing—this Greek extraction. It may be objected, indeed, that this is only a tradition; what else could it possibly be? Could they have history, annals, and inscriptions before they had letters? Was there not also a period wherein Greece herself, afterwards so illustrious for arts, was destitute and ignorant of these? Could these then be expected in Britain, so far detached from the sources whence Greece drew all her science? No; memory, or some rugged uninscribed stone, in these obscure and early ages, was the sole register of facts, and tradition all their history.

In the subsequent specimens I have been very prolix; but, as the subject had been unattempted before, and seemed so repugnant to the general opinion, I supposed there was really some necessity for enlargement, that the connexions I had intimated might appear the more visible and striking, and leave the less uncertainty upon the mind. And I humbly conceive that the congruity among the languages adduced here is made as obvious as the nature of the thing is capable of, particularly regarding this distance of time, this mutation of kingdoms, times, and manners, and under such abilities as mine. I cannot but beg pardon for some little Oriental introductions in the word BEER; I would very gladly have superseded them had I not believed it preferable to refer to the original, and to produce the evidences together and at once, that they might possess the force of union. I am led to think that very little deliberation upon this subject will be required to perceive the utility of it; and but a small acquaintance with languages, to be sensible of the pertinence of the comparisons. I imagine, too, that to a moderate portion of letters and sagacity it will soon be clear that the Greek, the Latin, and the Celtic, considered and compared together, will abundantly elucidate one another. And, perhaps, the examples to be hereafter produced in support of this plan will better evince the reasonableness of it than whole reams employed in arguments.

Eugene Aram.

EXAMPLES.¹

BEAGLES.

A Race of hounds, so named for being little; a name perfectly agreeable to the primary signification of the Celtic *pig*, i.e., *little*. The Greeks anciently used this word too, and in the sense of *little*, of which they seemed to have constituted their *πυγμαῖος*, i.e. a *dwarf*. It still subsists among the Irish, and still in that language conveys the idea of *little*; as *Fir-pig*, a little man; *Bandh-pig*, a little woman; *Beg-aglach*, *little fearing*. It was almost common in Scotland, in the same acceptation; for one of the Hebrides is named from this cubital people, *Dunie-Beg*, i.e., a little hill (see Mr. Irvine), and it yet exists in Scotland in the word *phillibeg*, i.e., a little petticoat. And we ourselves retain it in the provincial word *peagles*, i.e., *cowslips*, a name imposed upon them of old, from the littleness of their flowers. (See the Herbals of Gerard and Parkinson.) And our northern word *Peggy* is, properly speaking, applicable to no female as a Christian name, but is merely an epithet of *size*, a word of *endearment* only.

NID.

Nothing seems more suitable than this Celtic name for this river; which, after running a considerable way from its fountain, enters again the earth, by a wide and rocky cavern; then taking a subterranean course of some miles, again emerges to the light by two issues, whose waters are immediately united below. This word *Nid*, among the Celtæ signified *under*, *below*, or *covered*; and so it does yet. The Irish Celtæ say *Neth-shin*, i.e., *under a place*; *Nes-sene*, i.e., *a bird's nest* (and *nead*, a nest simply), where *t* is converted into *s*, as is common: so the Greek has γλῶσσα, or γλῶττα; and so the Germans of their ancient *wasser* have made *watter*, i.e., *water* (*vid.* Archæol.).² This word *Nid* is very widely diffused, too; there is found *Nith*-isdale or *Nidd*-isdale, in Scotland; *Nid*, near Knaresbrough, the seat of Francis Trappes, Esq.; both probably named from their having been formerly hid in the depth and obscurity of woods. *Nidum* is also found in Glamorganshire; there are the rivers *Niderus*, in Norway, and *Nid* even in Poland, and *Nid* also appears as the name of a river in Greece, mentioned by Callimachus (Hymn to Jupiter) and by Pausanias (in Arcadicis). The Grecian *Neda* rises in Arcadia, and runs into the Sinus-Cyparisseus. It is part of the modern words, *be-neath*, *neth-er*, and *Neth-er-lands*. This

¹These examples are, as much as possible, drawn from the Irish, I industriously omitting the British, lest it should be thought, as I know it has been sometimes, that the Romans left us the words that bear any relation to the Latin, while this can not be objected to the Irish, since the Romans never set foot in Ireland. Pardon inaccuracies too, since I have had no assistance but from memory.—E. A.

²Archæologica Britannica, by Edward Lhyd, M.A. (1670-1709), Oxford, 1707, fol. It was never completed.

Appendix V.

neath was formerly written *nead*; for an epitaph, transcribed from a monumental stone at Kirklees, by Dr. Gale, has,

"Undernead this little steane,"

where the former part of the word *under* is only explicatory of the latter part, *nead*. This signification of *Nid* leads to the true and original meaning of Shakespeare's *niding*, i.e., a person that hides himself. Mr. Johnson, in his Dictionary, interprets it a coward, but that is only its secondary signification, and but true sometimes, for a person does not always hide himself through fear. It appears to be the radical of the Latin *Nidus*, *nidifico*, *nidulor*, *nidificatio*, and also of the Greek νεσσος, in the Attic νεοττός, pullus avium, &c., which all know to be very well hidden; and they bore this Greek name, not because they were young, but because they were hidden. So, νεοστία, or νεοστία nidus, &c., whence our modern word *nests*.

VIR.

This word is, and that precisely enough, the Celtic *Fir*; its very great antiquity and use with the Celtæ appears in the Irish regal proper name, Fergus I., Fergus II.; in our modern surname, Fergusson; also in the word *Firbolgs* (i.e., *Viri Belgici*), by which the old Irish called a colony of the *Belgie* which settled amongst them. And of this word *Bolgs*, Cæsar (Com. lib. 1) and the Romans formed the Latin *Belgæ*, which, indeed, imports the same, and is the same word with the Greek πελασγοί, either from their coming by sea, or from their vicinity to it. *Fir*, in most words into whose composition it enters, implies something of *ability* and *strength*, as in the Irish *fertamhuill*, i.e., a man of an able body; and in the Latin, *fortis*, *virtus*, &c. Neither was it infrequent in Gaul; it composes a part of Cæsar's *Vircingetorix*, *Viridomarus*, &c. (Cæs. Com. lib. 7, cap. 3, &c.). The German Celtæ likewise used it, for it exists with them in the compound word *were-wolf*, i.e., a *man-wolf* (vide Verstegan³). This *wer*, in the Latin sense of *vir*, appears also among the Anglo-Saxons; for in the Saxon Pentateuch of Ælfric, the monk, published at Oxford, is, "And God made them *wer-man*, i.e., male, &c. (Gen. i. 26). The word *man*, *homo*, anciently, as in our modern translation of this place, included both sexes, and the Saxons prefixed *wer*, to *man*, to determine the female sex; hence they wrote *wyf-man*, which by contradiction became *wy-man*, now softened down to *wo-man*.

MAGISTER.

All the explications I have seen of this word appear to me to want others; but how natural, easy, and lucid does its original appear from the Celtic *maighis*, whence the Latin *magnus* and the Greek μέγας, great, and *tor*, dominus, nor has the first of these entirely left us; it remains in the northern obsolete word *mickle*, much or great, as in *Micklegate*, a large street in York. And *meg* in many places is yet

³ Richard Verstegan's "A Restitution of Decayed Intelligence, etc." Quarto, Antwerp, 1605, etc. Vide *Gentleman's Magazine*, July, 1811.

Eugene Aram.

commonly heard, and even ludicrously applied to a *very tall woman*; it is also used for a *huge stone* in an erect position. Mr. Camden, I think, in Cumberland, takes notice of a tall, upright stone there called *Long Meg*. There is also another high and upright stone near Sawley, in our own county, distinguished by this name. And the great cannon in Scotland, taken at Mons, the Scots call *Mons-Meg*. It seems a radical used in common by many of the Celtic nations, each agreeable to its dialect. And *tor* is the Greek and Latin *ruparros* and *tyrannus*.

BEER.

This word has been one general Oriental name for a *well* or *water*, and very probably has been transmitted, along with the earliest settlements, into Europe. It is still found in this island, both in its primary and translated signification, *i.e.*, for *water*, and for *beer*. It is read, Gen. xxix. 2, &c., *Va yare ve hinneh—beer*; and in the Chaldee, *Va chaza ve ha--bera*, *i.e.*, "He looked, and behold a well." Water was the first beverage of mankind, and was, as was undoubtedly natural, applied to other drinkables as they were invented, the great simplicity of ancient languages and times not directly affording any other term than *beer*. So we apply the word *wine*, once, perhaps, peculiar to the juice of the grape, to liquids extracted from many other fruits, as goose-berries, elder-berries, &c. And here, though the copiousness of modern languages distinguishes these, which the poverty of the ancient did not, or not early, yet they retain the name of *wine* still. Hence *beer*, though originally a word for *water*, became expressive of some liquors drawn from vegetables, because they became, like water, a *beverage*, and *bir* is still used for water in some parts of Ireland.⁴

In the very same manner the Celtic *Isca*, or *Visga*, originally signifying *water*, was imposed on other liquids; there being at first no other, whereby readily to express them, they were called *Isca*, *water*; so *whisky*, a liquid used in Scotland, is nothing else but a corruption of the ancient *Isca*, *water*; yet it is not simply water. *Isca*, too, is found in Ireland, in the word *usque-bagh*,⁵ *i.e.*, *strong*, making *strong water*, by way of distinction from *common water*.

Beer yet continues in its primary acceptation of a *rivulet* from a *spring*, or *water* simply, in the recesses of this country, but little frequented; and in Scotland for water itself. To these places colonies and conquests have carried but few innovations; for words annexed to things of such frequent use as *water*, *fire*, &c., heard mentioned every day for years, must necessarily have maintained their ground longer, and resisted the shocks of time better, than those but seldom used, and as seldom named. Hence about Roxburgh it is usual to ask, "*Have you any burn?*" *i.e.*, *water*, simply, meaning "*in the house*;" where *burn* is the Hebrew *beer*, the final *n* only terminates the word after the taste and genius of the German, and alters nothing.

⁴ *Bir*, the inflection of *bior*, water; O'Donovan's edition of O'Reilly's Irish-English Dictionary. Dublin, 1804.

⁵ *bagh*, *s. m.*, "strength"; *adj.* "trembling," O'Donovan.

Appendix V.

In Netherdale are two torrents named *Bierbeck* and *Doubergill*, descending from the moors. In the first of these the latter syllable *beck* is only put as explanatory, and as the sense of the prior syllable, *bier*, *water*, or a *rivulet*; it is the same in another torrent in Cumberland, near Longtown, called *Bierburn*, where *burn* in like manner explains *bier*. In *Doubergill* the last syllable *gill*, an old Irish word for water, is only affixed to explain *ber*, the syllable immediately preceding it; and *dou* in the Celtic implies *black*, a colour proper to this torrent, and contracted from its passage through peat earth and morasses; the word *Dou-ber-gill*, then, in modern English means *Black-water-gill*.

And even so low as our own times this affixing a word, explaining the foregoing, continues, as *Hals-haugh-hill*, at Ripon, *Mickle-haugh-hill*, near that town, where *hill*, a modern word, is only explicatory of *haugh* and *how*, a more ancient one for the very same thing.

And to show that *ber*, *bier*, &c., is not confined to these retirements—no, nor to Britain—there is the *Ver*, a rivulet near St. Alban's, of which the Romans formed their *Verulamium*. We have more streams possessed of this name also, as *Bierburn*, near Longtown, running into the Esk. There is the *Var*, too, in France, the *Iberus*, in Spain, and the *Tiber*, in Italy, all including this *ber* in their names. Where, by the way, *Ti*, in the Celtic, did, and does at this day, in St. Kilda, signify great, and *ber* is *water*, or a *river*: the whole will be *the great river*, a name that sufficiently distinguishes it there, as it is by far the greatest river in that part of Italy. I cannot particularly recollect whether *ber*, for *water*, is in the British, but I suspect it is; however, the Britons used *aber*, for the mouth of a *river*, except it may be thought the Latin *aperio*. But the Irish retain *ber* still for a water, as *Inbher-stainghe*, "a river by Wexford; *Inbher-Domhoin*, in Connacht, i.e., the deep river, *domhoin* importing *deep*. Neither is the Latin destitute of this *ber*, in the signification of water too, for of *κμῑρος* i.e. this seems formed the Roman *imber*, and it is also the Greek *veròs* which last is the modern English *wet*.

The old Irish, and our Yorkshire *gil*, a *torrent*, or *water*, is indeed the Hebrew *gel*, i.e., *unda*, from the tossing and rolling of the waves. And almost all torrents the ancient Irish call *gills*, as we do at this day, from the fury, and rapidity, and rolling of their waters. And in Holderness the waters left by the tides in the great hollows of the sands are called the *guile*. And the *guile-rat* is so called hence, that is from the exagitation of the liquor in working, and from the effluence of the yeast, like the spume of the sea; both deriving their name from the motion and rolling of their parts.

And from the Hebrew, *bir*, is our word *fairies*, *fairies* meaning *nymphæ*, or *Naiades*, they being *fontal nymphs*. The Irish call them not *fairies*, but by a synonymous word, i.e., *gil-veis*—*water nymphs*; and though we do not use *veis* here, yet they do in the more northern counties, and on the borders of Scotland. About Dumfries they call them *fay-folk*; and in a piece of Mr. Mawer's of

⁶ It is the Hebrew *gel*, i.e., *unda*, from the rolling and rapidity of most torrents; it remains in the English also.—E. A.

Eugene Aram.

Middleton-tyas, he calls these Nymphs *fays*, which is the Irish *veis*. And Fairies is *ber-veis*, *b*, *v*, and *f* often being used for one another, and *v* being anciently pronounced as *u*.

AN APPLE-TREE, *i.e.*, APOLLO'S TREE.

But, it may at first be thought, what reference this can have to Apollo; this is yet to appear. This name in the Danish is, I think, *æble-træe*. The Saxon Pentateuch, before referred to, if I remember right, has *afel*, the Irish *abhal*, and the Welch a consonant word whose orthography I forget; and the Dutch, German, &c., are either the same, or only varied by kindred letters. Other original of the name, though sought for, I have nowhere found. I should have suspected it to be a translation of the Latin *malum*, but it seems to have been in the Celtic before the Celtæ were acquainted with Christianity, or the sacred writings, and when Apollo was better known than the consequences of the mortal apple; and they could never name it from things and accidents with which they were absolutely unacquainted. Besides, should it be thought the name has any way respect to *evil*, that may as rationally be referred to Apollo as to *malum*. But be this as it may, the name is certainly very ancient, as ancient as heathenism, and the worship of Apollo, from whom it was, though not always, distinguished by this name. For it was once one of the symbols of that god, and dedicated to his deity; and hence by this name, with some inconsiderable variation in different countries, delivered down to our times. The name was probably introduced here with the worship of Apollo, and by early colonies, and contained its name, when the custom that gave rise to it was forgotten. And that this is its original will be easily deducible from a little reflection on the proofs in support of it. The prizes in the sacred games of Apollo were the *olive crown*, *apples*, *parsley*, and the *pine*. Lucian,⁷ in his book of games, affirms *apples* to have been the reward in the sacred games of Apollo. And Curtius,⁸ on gardens, asserts the same thing. It appears also that the apple tree was consecrated to Apollo before the *laurel*, for both Pindar⁹ and Callimachus¹⁰ observe that Apollo put not on the *laurel* till after his conquest of the Python, and he first appropriated it to himself on account of his passion for Daphne. The victor's wreath at first was a bough with its apples hanging on it, sometimes along with it a branch of *laurel*; these antiquity united together in the *Pythian games*.

⁷ Αναχαρσις. “πυθοὶ δὲ μῆλα τῶν ἱερῶν τοῦ θεοῦ.” The wild olive wreath, parsley, and pine are also mentioned here. Solon and Anacharsis are discussing the Lycean Apollo.

⁸ Not the classical Q. Curtius Rufus, but Benedictus Curtius “*Hortorum libri triginta. . . in quibus continetur arborum historia.*” Lugduni, 1560, fol.

⁹ I cannot trace the passage.

¹⁰ Aram presumably refers to the Hymn to Apollo, of which a translation was made, published 1755, by the Rev. William Dodd, another victim of Jack Ketch.

Appendix V.

HAMILTON (MORE PROPERLY HAMILDUN) HILL.

A name of very remote antiquity, and imposed upon several hills in this country, and it occurs, too, in several other places. I am not able to recollect precisely if it remains in the Welch; but if it does not, it is probable that it has once existed in it. This name is derived, not from the *elevation* of these hills, but from *their figure* to the eye; which is, as far as I had an opportunity to remark, or inform myself, that of *half a globe*, with its convexity upwards; which has a gradual descent, like them, from its summit every way. Now, any hill or mountain of such a form the Irish, to this time, called *himmel*, and they imposed this name immediately from their resemblance to the appearance of the heavens, considered as to their convexity. And that they were considered thus is plain from Ovid's remark, "*Convexaque cœli*," and which from our zenith seems to decline on every side, till terminated by the horizon. The Latins called heaven *cælum*, from *κῆλον*, i.e., the hollow, considering it as a concave. But the Teutonic, in *himmel* and *hemal*, has looked upon them as a *covering*, and the Germans yet call a bed *tester*, *himmel*, from its covering the *bed*, and they call the heavens *himmel*, from their covering the earth; and that antiquity looked upon them as a covering is also evident from "*Cælum quod omnia tegit*," Ovid. And the Æther is said *vestire campos* by Virgil. This initial *him* or *hem* in *himmel* is the old Saxon *helm*,¹¹ only the liquid *l* is dropt, as with us in talk, walk, &c., first in pronounciation as with us; afterwards in orthography, as with them. And this word *helm*, and all its relations, ever imply *covering*; hence *helmit*, to cover the head, *home*, to cover the family, &c., and in the *rura* of this country they commonly call a little shed wherein are put instruments of husbandry, a *helm*. So *peasehame* and *house* regard the very same thing, implying *covering*; and so does a *sheep-cote*, a *cottage*, and *coat*, our upper garment, which are from the British *coed*, a wood, the most ancient covering.

The final *l* in *himmel* is the radical of the Latin *altus*, just as the Celt *ard*, high, is that of the Latin *arduus*. *Himmel*, then, signifies *the lofty covering*. The syllable *don* or *dun*, mons, that concludes Hamildun, is so notorious that it wants no illustration; hence the *Downs*, in Kent, and the hills called Banstead Downs, in Surrey; and hence Lugdunum—Batavorum, &c. But one may here observe that Himmel was not a name applied to these hills, as to any *covering*, but only as they were thought to resemble the appearance of the sky, which is so.

The hills called Hamilton that I am acquainted with are that on which are the races, near Gormire; that near Kirby—Malzeard; one near Tadcaster, and another towards Kendal.

EBORACUM.

If it is evident, as I conclude it is, that *Ber* or *Ver*, originally signifying water or a well, was afterwards applied to the stream flowing

¹¹ If this Saxon *helm* is not the Hebrew *shell*, the skins of beasts, which were the ancient *covering* of mankind, I know not whence it is.—E. A.

Eugene Aram.

from it, or a river, it seems to me to enter into the composition of *Eboracum*. *Bor* here really appears no more than the ancient *ber* or *bir*, so generally used among the Celtæ; it is from the Hebrew, *berer*, to cleanse, because water is the natural, universal purifier, and *bir* (Jeremiah vi. 7) is understood as a fountain, and applied there very elegantly. If it be said that it is not *bir*, but *Ouse* that is the name of the river at York, this is true; but if the river do not now bear this name, it may fairly be inferred that it has borne it formerly; and that, too, both from its Greek and Latin appellation. Besides, the name *Ouse* is only the Celtic *isca*, which still signifies a river, and, I believe, is pure and original Celtic. They are, then, two different names for the same thing, and *isca* has succeeded to *bir*. It is called here *Ouse*, or *Isis*, and not *Yore*, as at Ripon, because of its confluence with the *Nid* and *Swale*; for *Isis* is no more than a reduplication of *Isca*, and contractedly pronounced *is is*, for *isca*, *isca*, which has been done in other rivers of Britain, and is a practice familiar enough to ancient languages, and that exility of sound in *e* or *i*, in *ber* or *bir*, a Roman ear or some peculiarity of dialect might easily change into *a*. For the Romans, I believe, seldom, if ever, absolutely altered the ancient names of people, cities, rivers, places, &c., but often stripped them of some barbarities, smoothed their asperities, and gave them a more harmonious pronunciation. The initial letter *E* is a Celtic article, and appears among the Celtæ, even when situated at a great distance from one another, with no material alteration; as the *Iberus*, in Spain, *Isurium*, with us, &c.

The Brigantes were also called *Vicci*, from their being collected in little villages, and hence *wic* is a very usual termination in many of them. *Ac* in *Eboracum* seems nothing but the Celtic, *uic*, *vic*, *wic*, or *vig*, which is the radix of the Latin *vicus*, *viculus*, &c., and not differenced but by the termination *us*, which means nothing. It is very like the Greek *παγος* also, for the people of the north have sometimes pronounced *p* as *w*, which is a letter peculiar to the north. And formerly here, as among the Romans of old, the articulation, as well as orthography of *u* and *v*, was as little distinguished as observed. For the Romans said and writ either *sylvæ* or *sylvæ*, and yet in Surrey the populace never do, or indeed scarcely can pronounce *v*, but constantly substituted for it *u* or *w*, saying *uinegar* or *winegar*, for *vinegar*, pronouncing *v* as we do the Greek in *νός*. The *wic* was so common among the Danes and Anglo-Saxons that to multiply the instances would be needless and tedious, and this was from very ancient usage; for in the Feroes, so far detached from the Continent, and who had maintained little or no commerce with strangers, we find the names of many places concluding with *viig*, as *Boardeviig*, *Joteviig*, *Qualviig*, &c. The first appropriation of *vig* or *vic*, seems to have been to places upon the seashore and banks of rivers, as in *Eboracum*, &c.; but in length of time it became applicable to places near neither. Respecting the more primitive sense of the word *wic*, we have the village called *Wic*, upon the Thames; also *Dulwich*, upon the same river, where *dul* in the Celtic signifies *low* or *watery*, and is often met with, and is the root of the Latin *diluvium*. Perhaps

Appendix V.

wic never originally signified a *place of refuge*, as some affirm, but only accidentally. The Teutonic has an old and proper word for *refuge* or *security*, and that is *burgh*, the Welch *berrwe*, and the Greek *πρυγος*. Moreover, it may be observed that *wic* was not at first imposed indifferently on any place upon the water, but on those seated upon or near some little inlet, creek, or recess of waters, and this was its first designation; hence, in all northern counties, and in the neighbouring parts of Scotland, *the corners of the mouth* are now called *wics*, or *wiikes*. *Wic* has spread far and wide: it occurs in Germany, and is met with in the Iberian *Vigo* too; as for the small difference of *c* and *g*, it is only dialectic, and the Romans themselves used *c* and *g* promiscuously or successively, as appears from the inscription upon the Duilian pillar, where is read *pucnando* for *pugnando*. The final *um* is nothing but a termination suiting the genius of the Latin. Upon the whole, then, agreeable to the conclusion of our ablest antiquaries, *Eboracum* implies no more than a *town seated upon a river*.

N.B.—The quotations from the Hebrew, Chaldee, Saxon, and Irish in Aram's MS. were in the characters of those languages, with their value in English sounds.

(2) POEMS.

AN ELEGY

on the death of

SIR JOHN ARMYTAGE, BART.,¹
of Kirklees,

M.P. for the City of York,

Who died gloriously in the Service of his Country,

On the 11th September, 1758, near St. Cass, on the Coast of France,
in the twenty-seventh year of his age.

Humbly Inscribed

To the remains of that ancient and respectable family.

Strike, strike the bosom, touch the vocal string,
Bring funeral euge, the funeral cypress bring:
The strain be mournful; let the feet move slow,
The numbers ling'ring with their weight of woe.
Not with more grief great Maro's breast did swell,
When glorious, with his legions, Varus fell;

¹ See *Gentleman's Magazine*, 1758, pp. 444 and 539, and Ann. Reg., p. 60. Aram in confinement was evidently studying the former. Armytage was shot through the head, on September, 1758; he was a volunteer of great promise.

Eugene Aram.

Not Troy beheld her matchless Hector slain,
Than feels thy country. Tell us, was thy fate
Or more illustrious, or unfortunate?
Thy arms almost alone the foes impeach;
Thou stood'st like Scæva, in the dangerous breach,
Slain, but not vanquished; fallen, but not fled;
That ground thou kept alive, thou kept when dead.
Hast thou obtained thy laurels with the pail?
Didst thou more bravely dare, or greatly fall?
Calder with sadder murmurs rolls her floods,
And deeper gloom invests thy Kirklees' woods.
France, too, deplores thee little less than we,
And Britain's genius gave a sigh for thee.
What though no wife's, though no fond mother's eyes
Grow dim with grief, whose transports pierce the skies;
What, though no pomp, no pious dirge, no friend
Wail thee with tears, no solemn priest attends,
O! yet be happy—thy sad sisters here
Bewail thy loss with sorrows too sincere;
And falls in silence the fraternal tear.
Sleep, much lamented, while thy country pays,
Mingled with sighs, the tribute of her praise.
Suppress those sighs, and wipe the humid eye
Her sons nor fall in vain, nor unreveng'd shall die.
When her loud thunders reach the hostile shore,
Swift as the winds, and like the billows roar;
What vigils must repentant Gallia keep?
What hostile eyes must close, what fair ones weep?
Remorseless war! how fatal to the brave!
Wild as rough seas, voracious as the grave!
Blind when thou strikes, deaf when distress complains;
What tears can whiten thy empurpl'd stains?
Waste waits thy step, as southern breezes show'rs.
Like floods thou rages, and like floods devours.
Fear flies before thee—thou relentless hears
The virgin's pray'r, and sees the mother's tears.
Sink down, be chain'd, thrice execrable war,
Extinct thy torch, or flame from Britain far.
Breathe we where bliss in flow'ry vales is found;
Soft spring glow near me, rural sweets be round;
Perennial waters, which the rock distils,
The shaded villa, and the sunny hills,
Long wand'ring shores, the voice of falling floods,
The gale of odours, and the night of woods.
These, lost to thee, for thee accept of fame,
Thy Kirklees smiles—she yet can boast the name;
Rank'd with the great thy fragrant name shall be;
Rome had her Decius—the Brigantes thee.

At p. 538 of the *Gentleman's Magazine* for 1758 is a panegyric on William Thornton, the Justice, signed "John Atkinson," dated York,

Appendix V.

Oct. 17, 1758. Bell includes it as from the pen of Aram. It alludes to Armytage. Aram's poetry is not of that quality which compels us to include his doubtful pieces; moreover, the *Gentleman's Magazine* is very accessible.—E. R. W.

Insonuere cavæ gemitumque dedere Cavernæ.—Virg.

(A poem written by Aram in York Castle.)

For these dread walls, sad sorrow's dark domain;
For cells resounding with the voice of pain,
Where fear, pale power, his dreary mansion keeps,
And grief, unpity'd, hangs her head and weeps;
What muse would leave her springs and myrtle shades,
The groves of Pindus and the Ionian glades?
The hallow'd pines that nod on Ida's brow,
And suns that spread eternal May below?
Or comes the nymph, she soon averts her eyes,
And but bestows one transient look and flies.
In vain would I ascend—too weak my wings,
In vain the plectrum strikes the sleeping strings,
They wake no more. The fire that blaz'd, but glows;
The lute, the lyre, and all are mute, but foes.
While my small bark, by sable tempests tost,
Lies wreck'd on an inhospitable coast;
Bleak rocks the place, and clouds the skies infold,
Storms follow storms, and seas on seas are roll'd.
Yet, if the fates be kind, and you this lay,
Daughters of Isis, with a smile survey—
If, while you gild the moments as they rise,
Suppliant, I make your soft regards my prize;
Farewell, Pyrene! once so loved; and you
Pierian sisters, tuneful maids, adieu!
For ever I your feeble aid decline;
Come, lucid stars, fair northern lights, be mine;
Whose graces lull life's cares, whose wit removes,
Whose virtues charm me, and whose sense improves;
From you spring each sweet hope, each gleam of joy,
Each dearer name, and every social tie.
You, my bright subject, all to transport turns,
My breast with more than mortal ardour burns.
Rapt into years to come, the muse's eyes
Behold your future sons illustrious rise!
Patriots and chiefs, renown'd for war and laws,
Warm in their country's and in virtue's cause.

When time another crop of foes shall bear,
Another Thornton shall in arms appear;
Another Cumberland shall rise and save;

Eugene Aram.

His soul as honest, and his heart as brave.¹
Some Slingsby curb again rebellious rage,
Some Ingilby again his prince's ear engage.
Mahon² once more shall British troops receive,
What Stanhope won, a Stanhope shall retrieve.
Some harp for Copgrove's hapless youth be strung,³
And Albion's rocks repeat what Deering sung.
Some future bard in Roundhills shall commend
The breast humane, the scholar and the friend.
Lambhill shall bid its fadeless laurels grow,
To shade some Norton's, Garth's, or Plaxton's brow.
The sacred page some Walton shall review,
Some Wanley clear the runic line anew.
The trumpet's sound shall die, the discord cease,
Thou Britain! flourish in the arts of peace;
Fairest of Ocean's daughters, and his pride,
Safe in thy oaks, with Neptune on thy side!
Who, fond to bless thee, with his Thames has crown'd,
And, pleas'd to guard thee, pours his seas around;
The wounds of war thy commerce soon shall cure,
That peace thy fleets command, thy Pitt assure.
Come, gentle Peace, propitious goddess, come,
Thy olive bring—let all but mirth be dumb.
What blessings reach us that thou dost not give?
Thou fled, is it to suffer or to live?
Thy sweet recess, thy happy ports to gain,
Plough'd is the verdant, plough'd the watery plain.
For thee this swelters under Lybia's suns,
That sails and shivers where the Volga runs.
To thy soft arms through death itself we flee.
Battles and camp, and fields, and victory
Are but the rugged steps that lead to thee.
For thee kind showers distil, the meads to cheer,
Or bend in old Isurium's⁴ field the ear;
For thee the streams make gay the banks they lave,
The soft breeze whispers, and the green woods wave.
All these I see, as sailors see the shore,
And sing, secluded, scenes I tread no more.
Nor stars, nor cheerful suns I now behold,
Languid with want, and pale with polar cold.

¹ These lines refer to Thornton's part in suppressing the 1745 rebellion.

² Refers to the loss of Fort Mahon, through the failure of Byng to assist the garrison. Aram in a note refers to the *Gentleman's Magazine* for 1756. See index to the *Essays*, etc., "Port Mahon" in that publication.

³ Aram here deploras the death, during Verney's expedition to Cartagena, of Mr Hodges, s. of Henry Hodges, Esq., of Copgrove, "a young gentleman of great abilities . . . and once my friend." He again refers to the "*Gentleman's Magazine*" for 1741.

⁴ The modern Aldborough.

Appendix V.

Where smiles Elysium?—where those happier skies,
Where after death superior virtue flies?—
Where wrongs, nor night, nor torments, they deplore,
The sigh forgotten and the tear no more.
What passage to the blissful meadows guides?
What horrors guard it? or what covert hides?

Thus to the Getae, in a barbarous throng,
The last sad numbers flow'd from Naso's tongue.⁵
The Thracian thus, whose harp bewail'd his wife,
Torn by the mad Bacchantes, lost his life;
The strains that hell had pleas'd, they disregard,
And snatch'd the life that softer Pluto spar'd.⁶

APPENDIX VI.

THE BIBLIOGRAPHY OF EUGENE ARAM.

(A) LEGAL RECORDS RELATING TO THE OUTLAWRY AND MURDER OF DANIEL CLARK.

I. A Pipe Roll for the 21st, George II., fixing the outlawry of Clark as the 20th October, 1746.

II. A Pipe Roll for the 2nd and 3rd, William IV., showing the arrears then due from Clark to the Exchequer.

(The intermediate Rolls contain recitals of the first.)

III. A collection of eleven documents, the property of a gentleman, who bought them in at Sotheby's sale on 31st May, 1912. These contain two inquisitions on the first skeleton found, dated 12th August, 1758, and depositions thereat, and a further inquisition, dated 18th August, 1758. The counterpart of the third Indented Inquisition, dated 18th August, with the depositions, is in the Record Office.

IV. A collection of nine documents in the Record Office, in a bundle marked Assizes 45; being the depositions at the inquest of 18th August, 1758.

V. An "Inquisition," indented and dated 18th August, 1758, finding Aram and Houseman guilty of the murder of Clark; from a bundle in the Record Office, marked Assizes 44. ⁷⁴ The other part of this Indenture is in the Collection III., *supra*.

⁵ A reference to Ovid's "Tristia."

⁶ A reference to Orpheus. Eugene apparently argues that if his strains were not addressed to barbarous ears, he would not have to utter them from the recesses of a prison. Norton, *supra*, is his prosecuting counsel, Fletcher Norton. For Walton (Brian), and Wanley (Humphrey), see the D.N.B.

Eugene Aram.

VI. A collection of informations, taken by Wm. Thornton, J.P., in *R. v. Houseman, Aram and Terry*; mostly never before published, all in the bundle, Ass. 45.

26

VII. Recognisances of the witnesses examined by Theakston and Thornton, with those of others, in the bundle, Ass. 45.

26

VIII. An affidavit, sworn by Philip Coates, prosecutor, on 9th March, 1759, in the bundle, Ass. 45.

26

IX. The two examinations of R. Houseman, the second signed by him, in the bundle, Ass. 45.

26

X. The two examinations of Eugene Aram, both apparently signed by him, in the same bundle.

XI. The examination of H. Terry, now first published, from the same bundle.

XII. Minute book of the Northern circuit, Ass. 42.

7

XIII. Gaol book of the same, Ass. 41.

4

XIV. Miscellaneous information, jury lists, directions to Sheriffs, precepts, directions to the clerk of arraigns, &c., in the bundles, Ass. 47 and 44.

1 74

(B) THE CONTEMPORARY PRESS.

(Dailies, Bi-Weeklies, and Weeklies.)

LONDON.

I. *Owen's Weekly Chronicle*—26th August, 1758.

II. *The London Evening Post*, 24-6th August, 31st August, 9-12th September, 1758; 9th August, 1759.

III. *Payne's Universal Chronicle*—9th-16th September, 1758, continued as

IV. *The Universal Chronicle*—25th August, 1st September, 1759; 1st-8th September, 1759.

V. *Lloyd's Evening Post*—25th August, 1st September, 1758; 14th March, 8th and 29th August, 1759.

VI. *Read's Weekly Journal*—11th August, 1759.

VII. *The Whitehall Evening Post*—9th August, 1759.

VIII. *The London Chronicle*—11th, 18th, and 28th August, 1759.

IX. *The Public Advertiser*—26th August, 1758; 11th and 16th August, 1759.

PROVINCES.

I. *The York Courant*—11th March, 1744-5, advertising Clark's disappearance (other files missing).

Appendix VI.

II. *The Leeds Intelligencer*—29th August, 1758; 6th March, 13th March and 7th August, 1759.

III. *The Newcastle Courant*—with letter of 4th August, 1759.

IV. *Jackson's Oxford Journal*—11th August and 1st September, 1759.

V. *The Cambridge Journal*—26th August, 1758; 7th, 11th, and 18th August, 1759.

VI. *The Ipswich Journal*—Saturday, 2nd September, 1758.

(The files of the *Stamford Mercury*, the *Norwich Mercury*, and many other papers, some still existing, or carried on in other names, are either missing or destroyed, or mutilated for all material dates. This is much to be regretted in the case of the York and Norfolk papers.)

(Magazines and Periodicals, 1759.)

I. *The Annual Register*—1759, p. 351.

II. *The Gentleman's Magazine*—August, 1759.

III. *The Scots Magazine*—August, 1759, pp. 401, 447, an identical account with the preceding.

IV. *The London Magazine*—August, 1759, pp. 408 and 451. Speaks of Aram as "convicted on many concurrent proofs and a number of the strongest circumstances." I believe it to be fairly reliable.

V. *The Grand Magazine of Magazines*—August, 1759, pp. 85-8, 131-3, September 185-8. The report of the trial is unique, but very misleading; untrustworthy.

VI. *The Critical Review* (edited by Smollett)—1759, vol. viii., 229, art. viii. As in Smollett's history, the estimate of Aram's genius is extravagant.

VII. *The Magazine of Magazines* (Limerick)—August, 1759, 118-123.

VIII. *The Newcastle General Magazine*—August, 1759, p. 405.

IX. *The Royal Magazine*—August, 1759.

(C) REPORTS OF THE TRIAL.

I. York—N.D., but plainly of the month of August, 1759; anon.; "printed and sold for the booksellers." 8vo.; scurrilous, anecdotal, unique; title-page, "The Genuine and Authentic Account of the murder of Daniel Clark, shoemaker, on the 8th of February, 1744-5, also the material part of the Arraignment and Tryal of Richard Houseman, Henry Terry, and Eugene Aram for the said murder, &c., &c. Printed and sold for the booksellers." (York, cited in this work as "Y.P.").

II. London, 1759—C. Sympson's edit., pub. 16th Aug., advd. in the "Pub. Adv." on that day. I have not met it, but the Rev. R. V. Taylor describes it as of "the Seven Dials" order. Cf. "Yorkshire Bibliographer" (1888), 1, 53.

III. London, 1759—Bristow's ed., 8vo.; title-page, "The Genuine Account of the Trial of Eugene Aram for the murder of Daniel

Eugene Aram.

Clark, late of Knaresbrough, in the county of York, who was convicted at York Assizes (*sic*), &c., &c. London. Published and sold by W. Bristow at his Lottery Office in Cheapside; and of all booksellers in Town and Country." (Cited in this work as "Brist.>").

- IV. York, 1759—The "Second Ed." published by Ann Ward for C. Etherington. Omits the literary pieces, but prints the letters; 12mo.
- V. York, 1767—The 4th ed., 12mo., printed for C. Etherington. No literary pieces. Dated MDCCLXVIII.
- VI. York, 1776 (?)—The 6th ed., 12mo., printed by C. Etherington and sold by E. Hargrove, Knaresbrough. Is unique in containing a letter, dated 1st March, 1759.
- VII. York, 1792—8th ed., printed for E. Hargrove, anno 1792. 8vo.
- VIII. Knaresbrough, 1810—10th ed., E. Hargrove & Sons; adds anecdote of Aram and Clark robbing gardens. 12mo.
- IX. Leeds, 1810—Davies & Co. I have not seen this; it is said to be a superior ed.; *sed quære*.
- X. Knaresbrough, 1814—11th ed. A reprint of the 10th.
- XI. Knaresbrough—14th ed. N.D., Hargrove, 12mo.
- XII. 1824—The "Pamphleteer," vol. 23, No. 45.
- XIII. London, 1832—A "2nd ed.," by Mitchell, of Old Bond Street; a mere reprint of Ann Ward's.
- XIV. Richmond, 1832—Printed for M. Bell; has numerous notes and has long passed for the best. It is, however, largely an imposture. The specimen of Aram's writing bears no resemblance to genuine autographs of his, and the whole performance is to be viewed with suspicion. 8vo. The *Gentleman's Magazine*, 1832, p. 448, describes the work as 12mo.
- XV. Boston, U.S.A.—1st American ed., based on the 11th English ed. B. Franklin Edmonds.
- XVI. Durham—G. Walker, junr. N.D. 1840 (?).
- XVII. Newcastle—W. & T. Fordyce. N.D. 1842 (?).
- XVIII. Knaresbrough—G. Wilson, with Hood's poem. N.D.
- XX. Clerkenwell—E. C. March & Co. "The life and execution of E. A.," with Hood's poem and Aram's letters. 1d. N.D.
- XXI. Clerkenwell—E. C. March & Co. "The life trial and remarkable defence of E. A." 1d. N.D.
- XXII. Knaresbrough—W. Parr; reprints some of Scatcherd's matter. 1868.
- XXIII. (?) 1869—C. Blenkhorn. I have not seen this. It is cited by the Rev. F. W. Joy in his MSS. folio "Eugenius Aram."
- XXIV. London—Printed for James Kendrew, Colliergate, York. N.D. 1810 (?).
- XXV. W. Langdale. N.D. This and the last are also referred to by Mr. Joy and others. I have no reason to believe it superior to the rest.
- XXVI. Knaresborough—W. Parr. N.D. Portrait, Hood's poem, and extracts from Scatcherd.

Appendix VI.

XXVII. An Irish quarto (?)—See E. H. Barker, *infra* (H., ii.). I have not met it.

Besides the editions, 3rd, 5th, 7th, 9th, 12th, 13th, &c., which I cannot trace there are others mentioned in "The Yorkshire Bibliographer," 1888, i., 53, H.; Speight's "Nidderdale," 1894, pp. 249-251; "Yorkshire Notes and Queries," old series, ii. 54-5; Boyne's "Yorkshire Library," and Davies's "Memoir of the York Press," G., vi., *infra*.

(D) ARAMIANA.

In this somewhat arbitrarily named class I place the works of Norrison Scatcherd by themselves, as being entirely *sui generis*.

- I. "Memoirs of the celebrated Eugene Aram," by N. S. 1832.
- II. "Gleanings after Eugene Aram," by N. S. London and Leeds. 1836.
- III. "Memoirs, &c." by N. S. London and Leeds. 1838. A 2nd ed., with appendices. (II. and III. cited in this work as "Gls." and "Mem.," were together reprinted, with omissions, by Thos. Hollins, of Harrogate, in 1875. These curious works are invaluable for their thumb-nail sketches, and, while preserving much dubious gossip, reveal everywhere the author's sincerity of purpose, together with a touching naiveté and lack of judgment. The author, evidently an amateur and dilettante (his pages are full of clerical errors), set out to rehabilitate Aram. In this he has signally failed, but he gleaned much that otherwise would have been lost from the traditions current in his youth and from eye-witnesses.)

(E) BIOGRAPHICAL DICTIONARIES, ENCYCLOPÆDIAS, &c.

This is a very large class, from which I extract only a few.

- I. Dict. Nat. Biog.—Article by Ric. Garnett, LL.D., who is misled by the accepted versions into thinking Houseman the sole witness. King's Lynn Grammar School is rather singularly described as a "private school"; in the epitome the scene is shifted to Lyme Regis.
- II. "Enc. Britt."—This account errs gravely in saying that the bones were found in February, 1759; also in saying that we do not know what became of Terry—an error copied by hosts from Bulwer.
- III. The Amer. Cyclop., 1873—Chalmers, Ermin-Didot, 1835; Gorton, Haydn, Longman, Michaud, Rose, Thomas, Waller, &c. Some of their errors are noted in the first chapter. The earliest foreign work in this class to give an account of Aram is J. C. Adelung's continuation of C. G. Jöcher's "Gelehrten Lexicon," Leipsic, 1784.
- IV. Kippis—"Biographica Britannica," London, 1777, vol. i., pp. 230-5. The inclusion of Aram was warmly canvassed at the time.

Eugene Aram.

- V. "The Biographical Magazine," "an ingenious work now publishing in morthly numbers," 1776—Vol. i., p. 77 gives us some particulars of his "Scituations and Imployments" between 1745 and 1758.

(F) CRIMINAL CALENDARS AND COLLECTED TRIALS.

- I. "The Tyburn Chronicle," iv., 110. N.D., but the last case was in 1768.
- II. "The Newgate Calendar," 1777—J. Cooke. London, v., p. 39.
- III. "The New Newgate Calendar," 1810 (?)—ii., p. 12. With portrait by Nuttall. Fisher & Dixon, Liverpool, dated 1st January, 1810.
- IV. Abridged ed. 12mo.—"By an Old Bailey barrister," 1840 (?)
- V. Another 12mo. N.D. 1850 (?).
- VI. Knapp and Baldwin's "Newgate Calendar." N.D. London, J. Robins, iii., p. 12, with portraits. (5 vols. 8vo.)
- VII. Another copy, 6 vols., 8vo., iii., p. 13, with same portrait.
- VIII. Another ed., 1824-8—J. Robins, 3 vols., 8vo., ii., p. 246.
- IX. Another ed., 1824-5—J. Robins, 2 vols., 8vo., ii., p. 246.
- X. "Trials from the Newgate Calendars"—Sisley, 1908, pp. 86-107.
- XI. "The most extraordinary case of E. A., who was hanged for murder"—From a collection lent me by Mr. E. M. Beloe. It is at p. 131. This may be some edition of John C. Hotten's "Book of Remarkable Trials and Notorious Characters," in one of which Aram's case is at p. 137.
- XII. "The Trial of E. A., of Knaresborough, in the County of York, schoolmaster, for the murder of D. C., shoemaker, &c.," at p. 129, of a volume of "Remarkable Trials," lent me by Mr. E. M. Beloe.
- XIII. "The Trial of E. A.," in James Caulfield's "Portraits, Memoirs, and Characters of Remarkable Persons," 1819-20; iii., p. 5.
- XIV. J. C. Hotten. See XI., *supra*.
- XV. "Chronicles of Crime," 1841 (London), by "Camden Pelham," ii., 85.
- XVI. "The Old Bailey Chronicle" (1783-4), iii., 238, by J. Mountague.
- XVII. "Remarkable Trials and Interesting Memoirs from the year 1740 to 1764," ii., 319. London, 1765. Prints a wholly different version of the address, and says "it was read by the clerk in open Court."
- XVIII. "Celebrated Trials," 1825, iv., 243. Portrait ed. by George Borrow. Inaccurate.

(Except Caulfield, who rejects it as a forgery, all the foregoing print a vile concoction, in the way of a confession, as impudently as it is transparently false. Another spurious confession is contained in an old broad-sheet, hawked about at the time; of which I have a copy. It is distressing to find writers of repute deceived by impostures which make the scholarly Aram talk the tongue of Seven Dials. Wm. Andrews has adopted the "Newgate Calendar" confession.)

Appendix VI.

(G) YORKSHIRE BIBLIOGRAPHIES, ANTIQUITIES, COUNTY HISTORIES, &c.

(A very numerous class, from which this is a selection.)

- I. Allen—"History of York," iii., 145.
- II. Andrews, W.—"Historic Yorkshire," chap. xxiii. "E. A., the Yorkshire Murderer."
- III. Bigland, Ralph (?)—"Yorkshire." (I cannot trace this; it is referred to in Grainge and in "Yorkshire N. and Q.," *infra*.)
- IV. Boyne—"The Yorkshire Library," 135, 252-3, a bibliography.
- V. Calvert, M.—"History of Knaresborough," 1844, p. 116.
- VI. Davies, R.—"A Memoir of the York Press" (1868).
- VII. Fletcher, J. S.—"A Picturesque History of Yorkshire" (1904), i., 201; iii., 185; iv., 2; 25-7, 35, 60, 62, 68.
- VIII. Fletcher, J. S.—"A Book about Yorkshire" (1908), pp. 316-7, 318-22.
- IX. Fletcher, J. S.—"Nooks and Corners of Yorkshire" (1911), 103.
- X. Grainge, W.—"Nidderdale" (1863), pp. 127, 129-32 (Doubts suggested as to authorship of Aram's address.)
- XI. Knipe, W.—"Criminal Chronology of York Castle" (1867), pp. 67-81.
- XII. Mayhall—"Annals of Yorkshire" (1878), i., 128, 383.
- XIII. Newsam, W. I.—"Poets of Yorkshire" (1845), posthumous.
- XIV. Norway, A. H.—"Highways and Byways in Yorkshire" (1899).
- XV. Smith, Wm.—"Old Yorkshire (1881), pp. 67-9, with portrait of Scatcherd; (1882), p. 212; (1884), pp. 90-6.
- XVI. Speight, Harry—"Nidderdale and the Garden of the Nidd" (1894), chap. xv., "The Vale of E. A.," pp. 298, 358, 475, 493 (161), (287), (293), (467). The last four references are to other personages in the story.
- XVI. Speight, Harry—"Upper Nidderdale" (1906), pp. 29, 45, 74-5, 77, 296, 315, 325-6, 347, 363.
- XVII. Turner, J. H.—"The Yorkshire Bibliographer" (1888), i., 53. An excellent bibliography by the Rev. R. V. Taylor.
- XVIII. Twyford, A. W. and Griffiths, Arthur—"Records of York Castle" (1880), p. 270.
- XIX. "Yorkshire Notes and Queries and Folklore Journal" (1890), ii., 54-55, 306.
- XX. "Yorkshire Notes and Queries," new series; iii., 147, 204; iv., 116, 138; v., 135, giving particulars of an unfinished work by John James, F.S.A., beginning, "Whoever has observed mankind with attention must have been struck with the reflection that moral rectitude is not intimately joined with great mental attainments. If we consult history, &c." He sent this to Scatcherd, who reported adversely, and James discontinued the work. One is glad to credit Scatcherd with one real service to letters!

(H) MISCELLANEOUS.

- I. Andrews, Wm.—"The Law and Lawyers" (1897), p. 212.

Eugene Aram.

- II. Barker, E. H.—“Literary Anecdotes” (1852), i., pp. 35-42. Chiefly concerning Aram’s life at Lynn, mostly already used by Scatcherd.
- III. Brereton, Austin—“Life of Sir Henry Irving” (1908), i., 106, 107, 141; with particulars of Irving’s recitations and of the production of Will’s play at the Lyceum.
- IV. Chambers—“The Book of Days” (1869), i., 734; ii., 229-30. Brings Aram to London to be hanged.
- V. Chandler, F. W.—“The Literature of Roguery” (1907), i., 180, 182, 271; “Roguery on the XIXth Century Stage; ii., 344-7, “Romantic Roguery.”
- VI. Craik, G. L.—“The Pursuit of Knowledge Under Difficulties.” Various editions. In the 1906 edition (Bell), at pp. 244-5, “One of the most arresting chapters in the history of human guilt.”
- VII. Ellis, H. H.—“The Criminal,” cites Eugene Aram as the intellectual type (1901), p. 157.
- VIII. Escott, T. H. S.—“Edward Bulwer” (1910), pp. 9, 10, 15, and 176, where is made the amazing error exposed.
- IX. Granville, A. B. (M.D., F.R.S.)—“The Spas of England,” i., 93-6.
- X. Irving, H. B.—“Occasional Papers” (1906). “The True Story of Eugene Aram,” reprinted from “The Nineteenth Century.” Has woven Scatcherd’s raw material into a finished article; no original research.
- XI. Meadley, G. W.—“Life of Wm. Paley,” 1809 ed., pp. 6-7; makes Anna Aram a witness!
- XII. Nichol—“Literary Anecdotes” (1812), iii., 722.
- XIII. Nichol—“Literary Illustrations,” vii., 464, a curious reference to the fate of Eugene’s “Celtic Dictionary”(?).
- XIV. Smollett, Tobias—“History of England,” xii., 479.
- XV. Timbs, John—“Abbeys, Castles, and Ancient Halls,” i., 285-287; 2nd ed., iii., 201, “Knaresborough Castle and Eugene Aram.”
- XVI. Victoria—Girlhood of H.M. Queen (1912), ii., 83.
- XVII. Walbron, J. R. (F.S.A.)—“Memorials of the Abbey of St. Mary of Fountains” (1862), being vol. 42 of the Surtees Soc.; at p. 222 a curious note on a tradition as to the Terrys.
- XVIII. Wanley, Nathaniel—“The Wonders of the Little World,” various editions. In that of 1806, at p. 135, “Strange ways in which murders have been discovered.”

(I) LEGAL AND MEDICAL WORKS REFERRING TO ARAM.

- I. Beck—“Medical Jurisprudence” (1842), p. 541.
- II. Howell—“State Trials,” xiv., p. 1328.
- III. Paris and Fonblanque—“Medical Jurisprudence” (1823), iii., 79 and 311, with Aram’s defence.
- IV. Parker’s “Crim. Rep.” (Amer), iii., p. 448, *per* Mason, J.
- V. Stephen, Sir J. F.—“A History of the Crim. Law of England,” ii., 2.

Appendix VI.

- VI. Taylor—"Medical Jurisprudence" (1910), 233 *et seq.*
- VII. Tidy—"Legal Medicine" (1882), pp. 151, 155, 207; case 43.
- VIII. Wills, Sir Alfred—"Circumstantial Evidence" (1912), pp. 121-2, 343-4.
- IX. Wharton and Stillé, J.—"Forensic Medicine" (1873), vol. i. § 813.

(J) PRESS ARTICLES AND NOTICES SINCE 1759.

(This class must remain imperfect owing to the difficulty of tracing unindexed articles.)

- I. 1776—"The Life of Eugene Aram," from *The Biographical Magazine*, "an ingenious work now publishing in monthly numbers," reproduced in the pages of a periodical of that date, the name of which I have failed to trace. I have it in my collection of cuttings.
- II. 1778—*The Universal Magazine*, July, makes Anna Aram a witness.
- III. 1778—*The London Magazine*, August, p. 374, warmly attacks Kippis for including Aram in his "Biog. Britt."
- IV. 1789—*The Gentleman's Magazine*, p. 904. Letter of Sam. Pegge, dated 1760.
- V. 1790—*The Gentleman's Magazine*, pp. 219, 324. The same topic as III., *supra*.
- VI. 1832—*The Literary Gazette*, 7th and 21st January, with account, *infra*, K. i., of Spurzheim's report on the skull, and the story of Aram's attempt to rob Lloyd.
- VII. 1832—*The Gentleman's Magazine*, p. 448. A vindication of Aram.
- VIII. 1836—*The Gentleman's Magazine*, p. 677, mentioning the death, at the age of 101, of E. Day, who is there said to have arrested Aram (?) Scatcherd had conversed with this worthy.
- IX. 1836—*Chambers' Edinburgh Journal*, p. 194.
- X. 1837—*The Gentleman's Magazine*, p. 218. "Cergiel's" familiar letter.
- XI. 1838—*The Morning Chronicle* reports the British Association meeting when the skull was discussed. See *infra* K. ii.
- XII. 1838—*The Leeds Mercury* announces Inglis's pamphlet.
- XIII. 1880—*The Leeds Mercury*. Various references, including an extract from a broadsheet of 1759 (11th September).
- XIV. 1885—*The Leisure Hour*, February, p. 127. "Strange Stories Retold in the Firelight"; ii., "The Strange but True (?) Story of Eugene Aram." A worthless and uncritical account, based on Scatcherd; adds one fact to our knowledge, on the authority of an old man present at the execution. Signed "E. P. H."
- XV. 1897—*The Nineteenth Century*, No. 42, p. 280. "The True Story of Eugene Aram," by H. B. Irving.
- XVI. 1897—*The Living Age*. An identical article. See H. 10.

Eugene Aram.

- XVII. 1898—*The Lynn News and County Press*, 18th June. A paper by the late E. M. Beloe, who was of opinion that Aram had an unfair trial. Mr. Beloe was a practising solicitor.
- XVIII. 1899—*The Leeds Mercury*, 11th November. A vindication of Eugene Aram, by Mr. J. M. Richardson. Untenable in view of the facts herein disclosed.
- XIX. *The Police Budget*, edited by Harry Furniss, i., 157, 177, 204. A worthless account.
- XX. 1912—*The Lancet*, 4th May, p. 1211 (*Cf. Westminster Gazette*, same date).

(There are innumerable minor references which it would be mere pedantry to produce here. Those in the *Times* are to be found in Palmer's index. Reviews of the novel and poem are designedly omitted, also first night critiques. The dates of the chief *premières* are—1, 9th February, 1832, at the Surrey, Mr. Elton as Eugene Aram; 2, 19th April, 1873, at the Lyceum, Henry Irving as Eugene Aram; 3, 15th January, 1902, "After All," at the Avenue, Martin Harvey as Eugene Aram. I have many old Press cuttings, purchased privately, which I am unable to trace. The Yorkshire papers abound in references.—E. R. W.)

(K) PHRENOLOGICAL ARAMIANA—1832-8.

- I. 1832—*The Literary Gazette*, January, at p. 25. See Appendix III.
- II. 1838—*The Morning Chronicle*, 25th August. See Appendix III.
- III. 1838—Inglis, James, M.D.—"Phrenological Observations on the Skull of Eugene Aram." (London, Leeds, and Ripon.)

(L) ARAM IN THE BIBLIOGRAPHY OF LINN REGIS.

- I. Beloe, E. M. (sen.)—"Our Borough," pp. 80, 177 (1899).
- II. Dutt—"King's Lynn," pp. 29, 46. Makes error as to date of arrest, which is placed in 1759.
- III. Hillen, H. J.—"A History of the Borough of King's Lynn" (Norwich, 1907), pp. 498, 854. The reference to the Rev. Aug. Jessopp, D.D., is, that gentleman informs me, an error.
- IV. Prescott-Row—"Guide to King's Lynn" (1907), p. 23.
- V. Richards—"History of Linn" (1812), pp. 1040, 1078, 1142, note. Little about Eugene Aram. More about his fair pupil, Miss Lidderdale.

(M) ARAM IN FICTION, DRAMA, AND POETRY.

- I. Bulwer—"Eugene Aram," a novel (1831). About 20 English editions. Two French are catalogued in the B. M. See the B. M. catalogue for full particulars.

Appendix VI.

- II. Bulwer's "Eugene Aram," a fragment of a tragedy, first printed in the *New Monthly Magazine*, August, 1833.
- III. Hood—"The Dream of Eugene Aram," first printed in *The Gem*, in 1829. See B. M. catalogue, but it has often been reprinted in *ephemera*, e.g., *The Mirror*, 1829, p. 318, and *T. P.'s Weekly*, 1903, p. 524. See *Iconography*, *infra*.
- IV. Moncrieff, Wm. T.—"Eugene Aram, or St. Robert's Cave; a drama in three acts." It follows the novel, whereas in Bulwer's fragment Houseman becomes Boeteler, Aram takes poison. (Another published edition of the play is among French's acting editions.)
- V. Thackeray, W. M.—"Novels by Eminent Hands," first printed in *Punch*. "George de Barnwall," by E. M. B. L., a pungent skit. For Geo. Barnwell, see "The Tragical History of G. B., who was undone by a strumpet, who thrice persuaded him to rob his employer, and to murder his uncle," and numerous ballads and chap-books; and for a brief appreciation of his life and genius, per Mr. Weller, junior, "Pickwick," chapter x. To Thackeray is ascribed another skit on Bulwer's novel—"Elizabeth Browrigge," anonymously appearing in *Fraser's Magazine*.
- IV. Wills, William Gorman—"Eugene Aram," a tragedy. This, unlike his "Charles I.," seems never to have been published. Brereton's description of it makes Houseman a character, but Freeman Wills gives the name in his account of it as Coleman.
- V. Wills, Freeman and Langbridge, Fred—"After All," produced at the Avenue Theatre, in 1902. Founded on the novel, but Aram is acquitted.
- VI. Parodies on Hood's "Dream"—See several in W. Hamilton's "Parodies of English and American authors" (1884), i., 130-132. One of the best appeared in *Figaro*, 9th October, 1875. All are, in effect, satiric pieces at the expense of Irving.
- VII. Translations—The novel has only, I believe, been done in French, but of the poem there is also Rûhe and Von Franck's German edition of 1841. The translators justly observe that "Aram was not a fit subject for a novel," and they refer to a tragedy, based on Eugene Aram, produced in Berlin. The "Dream" has also been done into Welsh.

THREE STANZAS FROM THE "FIGARO" PARODY.

'Twas in the prime of autumn time,
 An evening calm and cool,
 And full two thousand Cockneys went
 To see him play the fool,
 And critics filled the stalls as thick
 As balls in a billiard pool.

Eugene Aram.

"Now, Mrs. B., what is't you read?"

Asked he, with top-lip curving.

"Queen Mary? A play by Mr. Wills,

Or something more deserving?"

Said Mrs. B., with an upturned glance,

"It is the fall of Irving."

One night, months thence, whilst gentle sleep

Had stilled the city's heart,

Two bill stickers set out with paste

And play-bills in a cart,

And the eminent I had his name on them

In a melodramatic part.

(N) "NOTES AND QUERIES."

From its inception this admirable weekly has inserted much matter relating to Aram. Without its assistance this monograph would not have been undertaken. The index volumes render any references unnecessary, but one allusion has not been indexed under Aram. I give it here—

11th Ser. i., 280.

In reference to "Eugene Aram," Mr. Escott relates that the Eugene Aram in real life had been engaged by Bulwer's grandfather (the "Justice") to give his daughters occasional instruction in their schoolroom at Heydon Hall. Moreover, among the pupils at the King's Lynn school where Aram was usher had been a boy afterwards distinguished as Admiral Burney. With him Bulwer, perhaps on Thomas Hood's suggestion, placed himself in communication. The whole account of Eugene Aram's relations with the Lester family in the romance was taken word for word, fact for fact, from Burney's notes. In the edition published by Chapman & Hall in 1849, Lytton states that, "On going with maturer judgment over all the evidence on which Aram was condemned, I have convinced myself that, though an accomplice in the robbery of Clark, he was free both from premeditated design and the actual deed of murder." Bulwer "accordingly so shaped Aram's confession to Walter."

In *The Leeds Mercury* of 11th November, 1899, appeared a long defence of Eugene Aram from the pen of Mr. J. M. Richardson, who styles Eugene Aram "the Dreyfus of the eighteenth century."

I have already dealt with the astonishing statement here noticed by the reviewer.

Appendix VI.

ICONOGRAPHY OF EUGENE ARAM.

- I. "The New Newgate Calendar" has a profile portrait, published on 1st January, 1810.
- II. Knapp and Baldwin's various editions reproduce this. (It is, no doubt, this one which Mrs. Beatley told "Cergiel" was an excellent likeness. See "G. M.," 1837, 218.)
- III. Cooke's "Newgate Calendar" has a woodcut depicting the murder, p. 40, vol. v.
- IV. Caulfield's "Portraits, &c., of Remarkable Persons" has an indifferent likeness.
- V. Alexander Hogg published another, after Thornton, with letter-press beneath.
- VI. A similar one is in the collection, formed by the Rev. F. W. Joy, without letterpress.
- VII. "The Trial of Eugene Aram" (F. 12), and W. T. Moncrieff's edition of the play, are embellished by a "sensation woodcut" depicting Eugene overcome by the spectacle of a skeleton hanging in chains, illumined by a flash of lightning, with a waterfall in the distance!
- VIII. "The Dream" has been profusely and beautifully illustrated. I here note only (1) Rossiter's two fine etchings in the Junior Etching Club's Edition (1858); (2) Doré's Edition of 1872; (3) the Henry Irving Edition, with caricatures of the actor in the part, executed in red on black. By F. D. Niblett, dedicated to J. L. Toole.
- IX. A. Rankley painted a schoolroom scene, representing Aram standing moodily at a window while the scholars pore upon their books; a reverent pedagogue is regarding Aram pensively, and a young lady is playing upon a spinet (1852).
- X. Cattermole, Creswick, and other masters have illustrated the novel.
- XI. "Yorkshire Notes and Queries," new series, iii., 147, has a portrait, and another in Bigland's "Yorkshire" is referred to in the "Yorkshire Bibliographer" (1888), p. 53.
- XII. Parr's 1868 Edition and his present-day 2d. pamphlet have profile portraits of Aram. Scatcherd had a painting, a copy by a good artist of one done from the life, which he was assured by old people was an excellent likeness ("Gls." 33).
- XIII. The schoolhouse of Aram and Houseman's shop are represented in a lithograph frontispiece to the "Memoir." This schoolhouse, with Grimble Bridge, Gouthwaite Hall, Ramsgill, &c., form illustrations in the text of Mr. Speight's two works. There is also another of Eugene Aram's supposed lantern. Most of the class G. have illustrations of Aram's haunts.
- XIV. George Borrow's "Celebrated Trials" has an engraving of Aram, by Neele and Stockley, 352 Strand, and a plate depicting the murder. In chapter xxvi. of "Lavengro," Borrow puts into his friend Thurtell's mouth the boast, "Equal to either fortune," from Aram's peroration. Had Weave's murderer read Eugene's story.

ADDENDUM.

After this work was completed for the press, a chance perusal of the late Samuel Warren's "*Miscellanies*"¹ brought to my notice a case which I believe to be unknown to the present generation of lawyers, though in all respects most deserving of professional study—the case of *R. v. Goldsborough*, tried at York in March, 1842. Its remarkable resemblance to the case of Aram was observed upon by the author of "*Ten Thousand a Year*," than which he said it was little less remarkable. A perusal of it brings out the following extraordinary resemblances.

I. In each case a man recently in possession of a considerable sum in cash disappears suddenly.

II. In each case he is last seen in company with the person subsequently accused, who is aware of his possession of the money.

III. In each case that person at the time of the disappearance gave out that the vanished man had gone off to evade creditors, for which there was some colour, and was himself found in possession of that man's effects, which he pretended to hold as security for a debt (Houseman's pretence).

IV. In each case a long period of years elapsed before the chance discovery of remains by workmen—in one case over thirteen, in the other about twelve years.

V. In each case the supposed murderer fell at the time of the disappearance under such suspicion as to compel him to withdraw from the neighbourhood.

VI. In each case an accomplice turned "approver," though in the later case the approver died before the trial, his deposition being put in.

VII. In each case the questions of forensic medicine were identical. Were the remains those of the missing man? Was the lesion of the skull the cause of death?

VIII. Evidence of motive and of possession of wealth after the disappearance was startlingly similar; as also conduct of accused when taxed with doing away with supposed victim.

IX. Clothing burnt and threats used by alleged murderer when questioned on the subject of the disappearance.

X. In each case a party to the crime previously indicates where the body will be found.

It may well be asked how it came about that Goldsborough was acquitted on a case in many respects stronger than that against Aram. A careful examination of both cases yields the following answer:—The weakness in each was as to the proof of the *corpus delicti*, but as against the evidence tending to identify the body found in Stokesly Beck with Huntley, which was inconclusive,

¹ "*Miscellanies*" (Blackwood), 1885, i., 185.

Addendum.

there was no doubt that the body found in St. Robert's cave was found by Houseman's direction. The evidence that Goldsborough indicated where the body would be found was only given after it had been found by chance. Thus it might be an invention or a misrecollection.² Secondly, Goldsborough made but one voluntary statement under the then system of magisterial inquiry, and so did not entangle himself, like Aram in his examinations, with inconsistent asseverations. Thirdly, in place of an elaborate, academic defence, not directed to the evidence, and not supported by the fire of cross-examination, the defence of Goldsborough by Serjeant Wilkins was aimed at all the weak parts of the Crown case, witnesses being sharply cross-examined as to character and credit, with some damaging results. Also the medical expert was cross-examined by the Serjeant, who, as Ballantine tells us,³ was himself a medical man, and had practised that profession. Again, Noel summed up for a conviction, Rolfe for an acquittal. That was the fortune of war. Many a judge would have summed up dead against Goldsborough, who had a narrow escape, as, notwithstanding, the jury were out a long time before they acquitted. Had Goldsborough been tried to-day, he could hardly have escaped, unless able to bring very strong expert evidence to show that the remains could not be Huntley's. Wilkins opined that they were female. Under our modern law Goldsborough must have gone into the box for cross-examination, or have suffered great prejudice by abstaining. Then "My client's lips are sealed" came to his rescue. Again, Wilkins could not have thrown all the mud he did at the Crown witnesses without the prosecution retaliating by proof of the prisoner's character.

The two trials, studied side by side, admirably illustrate the working of two former systems of English criminal investigation. Our present mode, as a means of arriving at the truth in cases of murder on circumstantial evidence, is superior to either. If the system in force in 1758-9 was too harsh, that of 1842 was too favourable to a guilty man.

CORRIGENDUM.

The lantern referred to at p. 124, though unquestionably once Sir Henry Irving's, is not the genuine Eugene Aram lantern, as Messrs. Sotheran clearly explain in their description of it (lot 679) in their catalogue of autographs, relics, &c. (Piccadilly Series, No. 28). Mr. Hall Caine is said to own the genuine lantern, bequeathed him by D. G. Rossetti, and I learn from a gentleman,* who is attending to his correspondence during his absence abroad, that Mr. Caine wrote an article on the subject, but this I am entirely unable to trace.—E. R. W.

² If Goldsborough were innocent, and had indeed said that the body would be found in Stokesley Beck, he would have supplied an illustration of Aram's argument at p. 95, lines 31-35.

³ "Some Experiences of a Barrister's Life," chapter 3.

ABU SALAM ZAKI DER
deter